EXHIBIT 76

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Page 1
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              UNITED STATES DISTRICT COURT
                   DISTRICT OF VERMONT
 2
 3
     JAMES D. SULLIVAN, et
     al., individually, and
 4
     on behalf of a Class of )
 5
     persons similarly
                              )
     situated,
                                   Civil Action No.
                              )
                                   5:16-cy-00125
 6
                              )
              Plaintiffs,
                              )
 7
                              )
        vs.
 8
     SAINT-GOBAIN
 9
     PERFORMANCE PLASTICS
     CORPORATION,
10
              Defendant.
11
12
13
                  VIDEOTAPED DEPOSITION OF JAMES D.
14
          SULLIVAN, taken pursuant to notice before Beth
15
          Gaige, Registered Professional Reporter, at
          the offices of BarrSternberg Moss Silver &
16
17
          Munson, P.C. 507 Main Street, Bennington, VT,
18
          on April 9, 2018, commencing at 9:24 a.m.
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	Page 2
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Page 4 1 STIPULATION 2 (It is hereby agreed by and between the 3 parties that signature is not waived.) 4 5 THE VIDEOGRAPHER: We're now on the 6 Please note that the microphones are 7 sensitive and may pick up whispering and 8 private conversations. 9 Please turn off all cell phones or place 10 them away from the microphones as they can 11 interfere with the deposition audio. 12 recording will continue until all parties 13 agree to go off the record. 14 My name is Edward Roy, representing 15 Veritext. Today's date is April 9th, 2018. 16 The time is now approximately 9:24 a.m. 17 This deposition is being held at 18 BarrSternberg -- BarrSternberg Moss Silver & 19 Munson, PC, located at 507 Main Street 20 Bennington, Vermont, and is being taken by 21 counsel for the plaintiff. 22 The caption of the case is James D. 23 Silver -- Sullivan, et al, individually and on 24 behalf of a class of persons similarly situated, Plaintiffs, versus Saint-Gobain 25

	Page 5
1	Performance Plastics Corporation, Defendant.
2	This case is being filed in the United States
3	District Court, District of Vermont, Case
4	Number Civil Action No. 5:16-CV-00125.
5	The name of the witness is James D.
6	Sullivan.
7	At this time the attorneys present in the
8	room and attending remotely will identify
9	themselves and the parties they represent.
10	MR. WILSON: Lincoln Wilson of Quinn
11	Emanuel Urquhart & Sullivan for Defendant
12	Saint-Gobain Performance Plastics Corp, and we
13	will be taking this deposition today.
14	MR. LOCASTRO: Nicholas LoCastro of Quinn
15	Emanuel for the defendant.
16	MR. SILVER: David S. Silver for the
17	plaintiff.
18	MR. WHITLOCK: James Whitlock on behalf
19	of the plaintiff.
20	MS. JOSELSON: Emily Joselson for the
21	plaintiff.
22	THE VIDEOGRAPHER: Will David F. Silver,
23	representing the BarrSternberg Law, swear in
24	the witness, and we can proceed.
25	(The Witness was administered the oath.)

		Page 6
1		THE VIDEOGRAPHER: Please commence.
2		JAMES D. SULLIVAN, having been duly sworn by
3		the Notary Public, was examined and testified
4		as follows:
5		DIRECT EXAMINATION
6		BY MR. WILSON:
7	Q.	Good morning. Would you please state your
8		name for the record?
9	A.	James D. Sullivan.
10	Q.	And your date of birth?
11	A.	9/27/1960.
12	Q.	And, Mr. Sullivan, my name is Lincoln Wilson.
13		We've been introduced off the record.
L 4		I understand you've been deposed before?
15	A.	Yes.
16	Q.	And just to go over the ground rules before we
17		get into this, I'm going to do my best to be
18		clear in my questions and slow for the court
19		reporter; but if there's anything that you
20		don't understand about my questions, please
21		ask me to rephrase. I'll be happy to ask
22		again in a way that's going to be easy to
23		understand.
24		It's also important that you give vocal
25		answers. Sometimes because it's a natural

conversation you might want to say mm-hmm or uh-huh, but the court reporter needs a clear yes or no to those kinds of questions.

And you might also have a good sense of where I'm going with the question and you can answer it before I get to the end of it, and you may know exactly where I'm going; but for the court reporter's sake, it's important to wait until I'm done with the question before you respond.

You can take a break basically any time you need one. The only exception to that is if there's a question pending, we can't take a break while a question is pending.

And the one exception to that rule is if there's an -- if you need to invoke attorney/client privilege, you can do so before you answer a question.

You do understand today that you're under oath, Mr. Sullivan?

- A. Yes, I do.
- Q. And the important thing, of course, today is -- is that you tell the truth.

Now, I -- I want it to be clear also that I'm not your adversary. Miss Joselson, Mr.

Whitlock, Mr. Silver, they're my adversaries. You're not my adversary. I'm here to try to understand your claims so my client can understand your claims so the court can understand your claims so the jury can understand your claims. I'll do my very best to be courteous and kind as we go through this process.

And I will have to ask some sensitive questions, either about your medical history or about your -- your personal life. I'll do my best to be respectful, but please understand that it's not because I'm trying to be a jerk or anything.

And also, that there may be some times in this deposition that seem -- seem tedious, and I'd just ask you to bear with me as we go through those things. Some questions you may not understand why I'm asking them, but if we can do our best to get through the process together, that will be great.

Anything about that unclear to you?

A. No.

Q. Okay. And just so we can get it on the record, can you tell me about this prior

Page 9 1 deposition that you've done before? 2 Α. Oh, I -- many years ago I -- I was deposed as 3 part of my employment relative to land use law 4 cases. 5 Was that one deposition or several Q. 6 depositions? 7 I think there were at least two. Α. 8 And can you tell me just a little bit about Ο. 9 what -- what your -- kind of testimony you 10 were giving in those cases? 11 They -- boy, I don't remember the details of Α. 12 the cases actually. I think there was a 13 zoning case in -- in the town of Manchester, 14 and there was a -- an appeal of a decision of 15 a town board that -- that I was -- I was 16 involved in because I had worked for the town 17 of Manchester at one time. 18 So that was not with regard to your current Q. 19 employment at the Bennington County Regional 20 Commission? 21 That's true, although I do think Α. That's true. 22 that the second deposition, if I remember 23 right, was related to the Regional Commission

20 years ago, and I can't even tell you what

involved in the case, but it was probably

24

Page 10 1 that was about. 2 Q. Just to touch briefly on your education. 3 Can you tell me what the highest level of education you obtained is? 4 5 I have two master's degrees. Α. 6 0. And what are those degrees in? 7 Α. Natural resource management and public 8 administration. 9 Q. And where did you go to earn those degrees? 10 The natural resource degree was from Cornell Α. 11 University, and the public administration 12 degree was through the Maxwell School at 13 Syracuse University. 14 And what years did you get those degrees? Ο. 15 Α. Okay. I think that the Cornell degree was 16 1984, and then the -- the Syracuse degree, I 17 think I finished that one up in the beginning 18 of '86, maybe January of '86. 19 And what field of study was your undergraduate Q. 20 degree in? 21 Α. I was a -- it was a major called biology and 22 environmental science. 23 Q. What school did you get that from? 24 Α. Colby College. 25 Q. And that's in Maine, right?

Page 11 1 That is in Maine, yes. Α. 2 Q. And now you currently work for the Bennington 3 County Regional Commission? That's correct. 4 Α. 5 Can you describe your current position? 0. 6 Α. I'm the executive director of the Regional 7 Commission. 8 Q. And what's your -- what are your 9 responsibilities in connection with that 10 position? 11 Well, overall -- overall management of the Α. 12 day-to-day operations of the organization, you 13 know, staff supervisor, oversight, budget 14 development, program management. 15 And I -- I'm also, you know, being a 16 small -- a small commission in a small part of 17 the state, I -- you know, I do a lot of 18 hands-on planning work, too, working directly 19 with some of the municipalities in the region. 20 So maybe a better question, since you're sort Q. 21 of the -- the head of the Bennington County 22 Regional Commission is what is the Bennington 23 County Regional Commission, what are its 24 duties and responsibilities?

Well, there -- there's 11 regional planning

Α.

commissions in the state, and they're created by the municipalities within their regions specifically to provide technical planning services to those municipalities. So those -- those services change over time, but generally involve assistance in areas like land use planning, transportation planning, energy planning, emergency management planning, environmental planning and economic development.

- Q. So when you describe it as a planning organization, does it have authority as a governmental organization? For instance, if -- if the Bennington County Regional Commission says X, then X is what happens?
- A. No. That would be nice.
- Q. So it's -- it's an advisory sort of function?
- A. That -- that's -- that's correct. We work -- we work -- again, you know, we work with municipalities primarily.
- Q. And how long have you been there?
- A. I've been at the Regional Commission since 1989.
- Q. And in connection with your position, do you have any authority over environmental policy

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Page 13 1 in Bennington? 2 Α. No, no, not authority. 3 0. Have you given advice on environmental policy in Bennington? 4 5 Planning advice. Α. What -- can you give me some examples of the 6 0. 7 kind of planning advice you might have given? 8 Yeah, sure. I mean, just -- just in the way Α. 9 of, like, we -- we do work, for example, in 10 the areas of water quality management for 11 municipalities kind of as a liaison between 12 the state and the town. So we -- our 13 organization, and me personally, will offer 14 advice on how like the town of Bennington or 15 other municipalities in the region might 16 undertake highway maintenance projects to 17 maintain and improve water quality. 18 Did you give any advice to either the city or Q. 19 the state with regard to the presence of POFA 20 in Bennington? 21 Α. No. 22 And why not? Q. Well, it was -- one, it was never really part 23 Α. 24 of our job -- seen as part of our job; and

secondly, I was directly affected, so in any

Page 14 1 event, if the commission were to be involved, I would not have been involved. 2 3 Ο. Were you at Bennington County Regional Commission during the time that the ChemFab 4 5 plants at Water Street and North Side Drive 6 were in operation? 7 Α. Yes. 8 Can you tell me what you recall of those 0. 9 plants at that time? 10 That -- that it was there and that it Α. 11 manufactured fabrics that -- and materials 12 that were -- had some certain applications 13 that -- and I really didn't know too much 14 about the details of -- of the operations of 15 the plants. 16 Q. When you say certain applications, did you 17 have any specific recollection about what 18 those applications were? 19 Α. I remember at one point somebody telling me 20 that they had made the -- some of the material 21 for the -- the dome of the -- the dome stadium 22 in Syracuse, which I thought was interesting. 23 Did you have any concerns with those plants at Q. 24 the time?

I really -- I really wasn't involved to

Α.

No.

		Page 15
1		the level where I knew anything like that.
2	Q.	And were there any interactions between the
3		Bennington County Regional Commission and
4		ChemFab at that time?
5		MS. JOSELSON: Object to the form.
6		But you can answer.
7	A.	Not that I'm aware of, no.

Page 16 14 Did the Bennington County Regional 15 Commission do any sort of reviews of potential 16 hazardous substances in the course of its 17 actions? 18 MS. JOSELSON: Object to the form. 19 Α. That's -- I'll answer that the best I can. 20 So the Regional Planning Commission is 21 involved in environmental planning. Primarily 22 when you're talking about hazardous materials 23 in the way of brownfield redevelopment 24 planning, we don't do those assessments 25 ourselves. We -- we hire environmental

Page 17 1 consultants to do that work, and we oversee 2 the projects. // 3 BY MR. WILSON: 4 5 And so the Bennington County Regional Q. 6 Commission, would it be keeping abreast of 7 changes in science and regulation about what 8 substances were considered hazardous? 9 Α. No, that's not really part of our role. 10 Can you tell me when you first heard of PFOA? Q. 11 I can't really tell you specifically when, no. Α. 12 Can you approximate when you first heard of Q. 13 it? 14 I'm -- I'm going to have to say probably Α. 15 several years ago when I read some material 16 about it. 17 So this would have been before the Ο. 18 announcement of the discovery of PFOA in water 19 in Bennington? 20 Yes. Α. Do you remember what you heard about it? 21 Ο. 22 Α. I remember -- I remember stories about PFOA 23 contamination in some communities. I forget 24 what state they were in. I think -- I think 25 there was an article in a newspaper that got

		Page 18
1		some circulation.
2	Q.	Did you understand at that time that PFOA was
3		also a substance that had been used by ChemFab
4		in Bennington?
5	A.	No.
6		MS. JOSELSON: Object
7	A.	No.
8		MS. JOSELSON: Yeah, so just give me a
9		little time
10		THE WITNESS: Okay.
11		MS. JOSELSON: to make objections to
12		form.
13		THE WITNESS: All right.
14		BY MR. WILSON:
15	Q.	Did you take any action based on what you
16		heard about PFOA when you first heard about
17		it?
18	A.	No.
19	Q.	Do you have any local concerns based on what
20		you first heard about PFOA?
21		MS. JOSELSON: Object to the form.
22		THE WITNESS: Should I answer?
23		MS. JOSELSON: You can always answer
24		unless they tell you not to.
25		THE WITNESS: Okay.

Page 19 1 Did I have any -- could you -- could you say 2 that again? BY MR. WILSON: 3 Did you have any -- when you first 4 Q. 5 heard about PFOA, were you concerned about 6 anything specific to Bennington or North 7 Bennington when you first heard about PFOA? 8 MS. JOSELSON: Object. 9 Α. No. 10 Would you mark this as 1? MR. WILSON: 11 (Deposition Exhibit No. 1 was marked for 12 identification.) 13 BY MR. WILSON: 14 The court reporter has handed you what's been 0. 15 marked as Exhibit 1 to your deposition. 16 Can you tell me what this is? 17 Α. That appears to be an article from the Hill 18 Country Observer about PFOA contamination in 19 our area. 20 And is that a picture of you and your wife in Q. 21 the article? 22 Α. Yes, it is. 23 And do you remember when this article came 0. 24 out? 25 Α. No, but I see the date on it.

Q. So I'd like you to take a look it looks like it's about the fifth paragraph. It says, quote, I'm concerned about the health effects, end quote, Sullivan said. Quote, we just don't know, end quote.

Did I read that correctly?

A. Yes.

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- Q. Can you tell me what you meant by, we just don't know, at the time?
- 10 A. I really don't recall.
- Q. You can't recall how you felt about PFOA at that time?
- MS. JOSELSON: Object to the form.
 - A. No. I -- when I said, according to the article here, we just don't know, I -- I really don't recall what I was referring to. Perhaps I'd have to read the rest of the article.

19 BY MR. WILSON:

Q. If you take a look at the third paragraph there it says, quote, I had no concerns until this happened, end quote, Sullivan said. Quote, we thought -- excuse me -- we were using the water straight from the tap. We had no clue, end quote.

Page 21 1 Did I read that correctly? 2 Α. Yes. 3 Does that refresh your recollection about what 0. you were thinking at the time and what -- what 4 5 your concerns were about health effects? 6 MS. JOSELSON: Object. 7 Α. That -- that may be related to the previous 8 quote. I -- I can't say that for sure. It --9 it just reflects the fact that prior to the 10 discovery of PFOA in our water supply, I -- we 11 weren't aware of any contamination and so had 12 no concerns about our water. 13 BY MR. WILSON: 14 So you don't -- you can't tell me, as you sit Ο. 15 here today, what you meant by saying, we just 16 don't know? 17 MS. JOSELSON: Object. 18 Α. That's true. 19 BY MR. WILSON: 20 Q. So prior to your position as executive 21 director of the Bennington County Regional 22 Commission, can you tell me about the prior 23 positions you held with that organization? 24 I was -- I was hired as a -- as kind of Α. Sure. 25 a generalist planner, coming from the town of

Manchester, and so my initial responsibilities dealt primarily with working with towns on comprehensive plans and land use regulations.

Then, you know, I started getting in -having some more responsibilities in the area
of geographic analysis as we were starting to
get into geographic information systems. And
then I, for about ten years, I had also
taken on, in addition to those
responsibilities, the role of transportation
planner. I was exposed to transportation
planning and -- and then I subsequently got -worked in the brownfields program for a little
bit. I started that at the commission, and -and then I've worked a lot in energy planning.

- Q. So you mentioned that prior to your work at the Bennington County Regional Commission, you'd worked for the town of Manchester?
- A. That's correct.
- Q. And what was your position there?
- A. I was the town planner and zoning administrator.
 - Q. And prior to work with the town of Manchester, you worked -- well, who did you work with before that?

Page 23 1 I was in graduate school before that. Α. 2 Q. And forgive the ignorance of a Seattleite 3 asking this question, is this Manchester, New Hampshire, or Manchester --4 5 Oh, Manchester, Vermont. Α. 6 0. Vermont? 7 Α. Sorry about that, yeah. 8 Q. Thank you. So I'd like to ask some questions 9 now about your property at 35 Asa Way. 10 You own that property; is that correct? 11 That's correct. Α. 12 Together with your wife? Q. 13 Α. Yes. 14 And this is a single-family home? Ο. 15 Α. Yes, it is. 16 MR. WILSON: I'm going to mark some 17 exhibits here. This will be 2. 18 (Deposition Exhibit No. 2 was marked for 19 identification.) 20 BY MR. WILSON: 21 The court reporter has handed you what's been Q. 22 marked as Exhibit 2 to your deposition. 23 Can you tell me what this is? 24 Α. That is an image of my house. 25 Q. Did you take this picture?

- A. I'm going to say probably. I don't really recall who took it, but I wouldn't be surprised if I did.
 - Q. And looking at that picture, is there anything that you see in that that you say, oh, it doesn't look like that now; this -- this has changed since that time?

MS. JOSELSON: Objection.

9 A. Yes.

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- 10 BY MR. WILSON:
- 11 Q. What's changed?
- 12 A. The snow melted.
- 13 Q. Okay.
- A. In addition to that, I would say that we added some photovoltaic panels to the roof.
 - Q. Okay. I'd like you -- if I can, I'm going to hand you this pen, and since it would not be proper for me to write on a deposition exhibit, since I'm not giving the testimony, could you indicate where those -- on that picture where those photovoltaic panels were added?
- 23 A. With an arrow?
- Q. Yes. You can write right on the exhibit.
- 25 A. (Witness complying) PV panels.

Page 25 1 And you don't need to indicate the snow 2 melting. But is there anything else on there 3 that's changed since that time? Α. No. 4 5 MR. WILSON: This is going to be 3. 6 (Deposition Exhibit No. 3 was marked for 7 identification.) 8 BY MR. WILSON: 9 Q. The court reporter has handed you what's been 10 marked as Exhibit 3 to your deposition. 11 Can you tell me what this is? 12 These are the -- the building elevations and Α. 13 floor plans associated with the house at the 14 35 Asa Way, and there is a -- also a -- a 15 sketch plan of the lot with the location of 16 the house on it that I -- I recall being used 17 for the zoning permit, since it shows the 18 setbacks. 19 So these drawings were done at the time the Q. 20 house was built. 21 Α. They were done prior to the house being built. 22 Q. And let's take a look through these drawings. 23 If you look at the first three pages that 24 show, I believe, exterior drawings, can you 25 tell me on those first three pages if there's

Page 26 1 anything that's changed to the exterior of the 2 home since these drawings were done? 3 Α. The first three pages -- so I'm going to say that on the first page, the -- the window that 4 5 you see on the left on the first floor, which 6 is the -- the one toward the -- on the west 7 side facing west toward the -- toward the 8 north is -- I think was moved toward the north 9 by about a foot. 10 Q. Okay. 11 And I would say other than that, that the --Α. 12 this is a bit of a detail. The smoke stack there --13 14 On page 3. MS. JOSELSON: 15 THE WITNESS: On page 3, right. 16 That had a -- has a -- like the top -- the Α. 17 design of the top was changed a little bit to 18 add a metallic cage to prevent birds from 19 getting into it. 20 Other than that, I would say it's pretty 21 much what it is today. 22 BY MR. WILSON: 23 Would you make an indication for that addition Q. 24 to the top of the smoke stack there? 25 Α. Sure. (Witness complying) Bird cage added.

Page 27 1 So now if you turn to the fourth page of this 2 document, we're looking at I believe it's the 3 floor plan of the second floor; is that correct? 4 5 That's correct. Α. 6 And there's an indication on here, it says, Ο. 7 hardwood flooring in both the bedrooms and 8 hardwood in the hallway? 9 Α. That's true. 10 It looks like -- were those later improvements Q. 11 that were added? 12 No. Α. 13 Q. So the hardwood floors went in when the home 14 was first constructed? 15 Α. That's correct. 16 And is there anything that's changed about the 0. 17 floor plan on this floor since the time that 18 you built the home? 19 Α. The -- the only thing that doesn't show No. 20 on this floor plan is that there's a full 21 doorway access from bedroom number two into 22 the space to the left of that, which is, in 23 fact, the attic. 24 Q. Okay. Would you just make an indication for

that on the drawing?

Page 28 1 (Witness complying) Door to attic. Α. 2 Q. And if you'll turn to the following page, take 3 a look at that. 4 Α. (Witness complying) 5 Is this a floor plan of the main floor of your 0. 6 home? 7 Α. Yes, it is. 8 And could you tell me what the flooring is in Ο. 9 these various rooms? 10 The -- the flooring in the living --Α. 11 the area shown as the living room and the --12 the hallway -- I -- I hope I don't have to 13 explain what the hallway is -- the hallway and 14 the -- the -- if it's called the study --15 Mm-hmm. Q. 16 -- on the plans, right, that's hardwood, Α. 17 bird's eye maple. And the -- the flooring in 18 the master bedroom, which is shown as bedroom 19 there, is a -- is a -- another 20 hardwood floor, the same as used in the 21 upstairs bedrooms, and it's some kind of a 22 tropical hardwood, and I can't remember 23 species. 24 The -- the balance of the building, the 25 kitchen, dining room, both of the bathrooms

Page 29 1 and the laundry is a ceramic tile. 2 Q. Okay. Would you just make some indications in 3 there for tile and bird's eye maple and tropical hardwood? 4 5 Sure. (Witness complying) Let's see, tropical Α. 6 hardwood floor. Bird's eye maple floor here 7 and here and here. Ceramic tile. How do you 8 spell ceramic? And here ceramic tile floor. 9 Oh, and around the pellet stove is also a 10 ceramic tile. 11 And there's an indication on the left side of Ο. 12 that drawing. I think it says window seat and 13 it's x'ed out? 14 That's right. Α. 15 Q. Can you tell me what that's about? 16 Sure. So I guess the original sketch plan Α. 17 showed a window seat and that protruding 18 window, and we decided not to put a window 19 seat in. So it's just -- the floor continues 20 up to the wall. 21 Q. If you'll turn to the following page. 22 Α. (Witness complying) 23 Is this the basement to your home? 0. 24 Α. Let's see. Yes, it is.

And is that a playroom and a study, slash,

Q.

		Page 30
1		bedroom down there that I see?
2	A.	Yes.
3	Q.	Okay. And what's the flooring in there?
4	A.	That's that's actually a stained concrete
5		floor.
6	Q.	Would you indicate that?
7	A.	Mm-hmm. (Witness complying) Concrete floor,
8		and that's there and here.
9	Q.	And the POET that's been installed on your
10		home
11	A.	Mm-hmm.
12	Q.	and just for the record, that's a
13		point-of-entry treatment system can you
14		tell me where that has been installed?
15	A.	Yes.
16	Q.	Where's it been installed?
17	A.	Well, that was installed in the utility room.
18	Q.	Would you indicate where that is on the
19		drawing?
20	A.	The utility room is right there. (Witness
21		indicating)
22	Q.	And would you write it on the drawing?
23	A.	The POET system is
24	Q.	Yes.
25	A.	specifically? Okay. Sure. It's

- approximately in this area, POET system.
- Q. And if you turn to the following page, looking -- I understand this is an overhead view of the lot on which your home sits; is that correct?
- A. That's correct.

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- Q. And can you tell me how many acres is this lot?
- A. I believe it's .545 acres.
- Q. And can you tell me what features of the land we might see in this lot, other than your house?

MS. JOSELSON: Object.

A. Features of the land other than the house. I guess you'd see the -- the infrastructure improvement, like the driveway access to the house and the retaining wall to the, as you're staring at the front of the house, the left side of the house. You would see the lawn, which surrounds much of the house, and a treeline along the -- the north property boundary and a -- a thinner tree line along what's really the eastern property boundary, and a few trees. There's also, we added two or three years after we built the house, a

Page 32 1 small garden shed in -- toward the back 2 northeast corner of the lot. // 3 BY MR. WILSON: 4 5 Would you indicate on the drawing the treeline Q. 6 and the garden shed that you just told me 7 about? 8 Sure. (Witness complying) So this is the Α. 9 treeline, and then the shed is about -- this 10 is very rough. I hope it meets setback 11 requirements. 12 You are under oath with these drawings, as you Q. 13 know. 14 Α. I know. I got a permit for it. 15 So -- so there's -- there's a -- all 16 There's a treeline here, too, 17 although, like I said, it's not as thick. 18 And you mentioned that's a garden shed. Q. 19 Where is your garden located? 20 MS. JOSELSON: Object to the form. 21 Okay. The -- the -- there are at least --Α. 22 there's a vegetable garden, which is located 23 near the shed toward the eastern property line 24 here; and then there's a perennial garden located on the southeastern side of the house 25

Page 33 1 kind of built into the -- the retaining wall 2 structure. And there's a couple of annual 3 beds that are located next to the driveway. BY MR. WILSON: 4 5 Would you indicate those on the drawing, Q. 6 please? 7 Α. Sure. (Witness complying) Let's see. 8 Vegetable garden. 9 There's also -- there's also a row of 10 hostas along the back side of the house. 11 That's --Ο. 12 Α. I don't -- I don't usually call that a garden. 13 Q. Are there any physical structures on this lot, 14 other than what you've described? Any olympic 15 swimming pool? 16 Α. No. 17 Q. No? Okay. 18 Α. Nothing. 19 And the final page of this, I believe, is a Q. 20 picture of the front elevation of your -- your 21 home. 22 Α. Yes. 23 Can you tell me if anything's changed since 0. 24 this drawing was done about the front elevation of your home? 25

- A. The -- yeah, the thing that -- well, the one thing that's noted on the -- the right-hand side there is that the -- the size of the screened-in porch was reduced slightly, as is noted on the plan. And the other thing that changed is -- that's -- the design of the garage door has changed slightly.
- Q. Were they -- are they now doors that go up instead of to the side. Is that the difference or --
- A. Well, I think that -- that this -- this -this design showed doors with kind of a lot
 more architectural detail. We have a more
 standard designed garage door now, although it
 still has the -- the windows along the -across the top, but it doesn't have the -those architectural elements in it.

MR. WILSON: Okay. Would you mark this as Exhibit 4, please?

(Deposition Exhibit No. 4 was marked for identification.)

THE WITNESS: Thank you.

BY MR. WILSON:

Q. The court reporter has handed you what's been marked as Exhibit 4 to your deposition.

Page 35 1 Can you tell me what this is? 2 Α. This is an appraisal of our home. And the date is February 9th, 2010, on the 3 0. front page; is that correct? 4 5 That's correct. Α. 6 And can you tell me why this appraisal was Ο. 7 completed? 8 This appraisal was completed to -- in support Α. 9 of a mortgage refinancing that we did at the 10 time. 11 So if you'll turn to page -- it's marked as 0. 12 Sull-Add2-0018. It's the first page where 13 there are pictures. 14 (Witness complying) Yeah. Α. 15 Q. Are these pictures of your home that were 16 taken at the time of the appraisal? 17 MS. JOSELSON: Object. 18 I -- I would assume so. Α. 19 BY MR. WILSON: 20 Q. And on that page there -- is there anything in 21 those photos that is different now than at the 22 time these photos were taken? 23 I -- I think there -- there's a couple things. Α. 24 One, I believe that the photo shows the -- at 25 the time that the driveway was still a gravel

Page 36 1 driveway, and it's been paved since then; and 2 the -- again the photovoltaic panels I don't 3 believe show on that. So they must have been added later. 4 5 And the -- first would you indicate on the Q. 6 drawing that the driveway's been paved? 7 Α. Oops, yes. Sorry to make you keep putting your glasses 8 0. 9 on. 10 Well, that's -- that's --Α. 11 We'll be done with the --Ο. 12 -- that's me. Driveway now paved. Α. 13 Q. And we'll be done with the artistic portion of 14 this deposition soon, I promise. 15 A. Okay. 16 Also, I see in that photo where you marked 0. 17 driveway paved, on the left side of the house, 18 there's something in the lawn. I can't tell 19 what it is. Looks like there's two 20 rectangular objects? 21 Α. Yes. 22 Can you tell me what those are? Q. Those are -- those are solar thermal 23 Α. Sure. 24 panels associated with our hot water system. 25 They -- they were built at the time the house

Page 37 1 was built. 2 Q. And they're still there? 3 Α. Yes, they are. Okay. Would you indicate those -- that on the 4 Q. 5 panel, what those are? 6 Α. Mm-hmm. (Witness complying) 7 If you turn to the following page. Anything Q. 8 that has changed about the property since 9 these photos were taken? 10 Yes, slightly. So in -- in addition to the --Α. 11 the PV panels that we mentioned earlier, we 12 added a -- a little dog pen, a little dog run, 13 that's located kind of next to the house and 14 the porch. And although it's not really clear 15 on the photo, that second photo, I'm pretty 16 sure that what is showing there, the deck 17 steps are wood, and we replaced those with 18 concrete steps. 19 Would you indicate the dog run in the drawing, Q. 20 as best as you can? 21 Α. Yeah. (Witness complying) 22 Q. If you turn to the next page. 23 (Witness complying) Α. 24 Are these pictures of the interior of your Q. 25 home?

Page 38 1 Α. Yes. 2 Q. And anything, other than furnishing decisions, 3 anything changed about these photos since the time they were taken? 4 5 Α. No. 6 Ο. The appliances in there, are those stainless 7 steel appliances? 8 Α. Yes. 9 Would you indicate that? Q. 10 Α. (Witness complying) 11 Are the countertops granite countertops or --Ο. 12 Α. Yes. 13 Q. Would you also note that? 14 (Witness complying) Α. 15 Q. And I'm sorry I'm getting into such small 16 detail here, but my wife and I just renovated 17 a home, too, so we're -- we're thinking about 18 all this stuff. 19 Are the -- are the cabinets all plywood Α. 20 cabinets, or can you tell me anything in 21 particular about their construction? 22 MS. JOSELSON: Object. 23 Α. The -- the cabinets are -- are -- are plywood 24 constructed with solid oak on the -- for all 25 the doors.

Page 39 1 By MR. WILSON: 2 Q. Would you write an indication for that on the 3 drawing? (Witness complying) 4 Α. 5 The following picture --0. 6 Α. Oh, I should -- I should -- I should clarify 7 on the -- on the cabinets. There are portions 8 of the structure that -- that are composite 9 wood, as well as portions that are plywood. 10 It's not 100 percent plywood. 11 I think I know what you mean. Is it melamine Ο. 12 shelves and then plywood frames and then solid 13 wood faces? 14 MS. JOSELSON: Objection. 15 Like I Α. I think that's largely correct, yeah. 16 said, it's -- there's plywood structure. 17 There's some -- there's some composite and 18 the -- the door panels and drawers are solid 19 oak. 20 BY MR. WILSON: 21 Well, you and I should talk cabinets some 22 time --23 Α. Okay. 24 -- but thanks for your honesty, too, and the Q. 25 full disclosure.

Page 40 1 On the following page, these are pictures 2 of a couple of your bathrooms; is that 3 correct? Yes. 4 Α. 5 Is that the upstairs bath in the top picture? 0. 6 Α. That is the main floor master bath. 7 And is the countertop there granite or is it Q. 8 some other material? 9 Α. That's granite. 10 Would you indicate that? Q. 11 Mm-hmm. (Witness complying) Α. 12 And is the tile ceramic tile? Q. 13 Α. In the -- the shower? 14 Yes. 0. 15 Α. Yes. Although we recently renovated the 16 bathroom. 17 Q. Okay. And how have you renovated it? Α. 18 The -- we replaced that shower stall with a 19 full bathtub with tile. 20 Would you indicate that in the picture? Q. 21 Α. Mm-hmm. (Witness complying) 22 And is it a freestanding tub? Q. 23 To be -- to be clear, it's a -- it's a --Α. No. 24 just a bathtub unit. It's not a full height 25 unit, so it's just the bathtub unit, and then

Page 41 1 the surround --2 Q. Mm-hmm. 3 -- and the wall is all tile. Α. Thank you. And the second picture on that 4 Q. 5 page, what bathroom is that? 6 Α. That's the upstairs second-floor bathroom. 7 Q. Is that also granite countertops? Α. 8 That's not. That a Formica countertop. 9 Would you indicate that in the picture? Q. 10 Sure. (Witness complying) Α. 11 And on the following page, can you tell me Q. 12 whether anything has changed about these 13 pictures? 14 Well, on the top one it's less of a mess. Α. 15 Q. You cleaned it up in the last eight years? 16 Α. That was probably thrown down there when 17 the -- the dog was -- had free run of that 18 room and was a puppy. 19 But you built the dog run, so now that's taken Q. 20 care of? 21 Α. Yes. 22 Okay. Great. Anything else? Q. 23 Α. On that -- that -- the second two photos, as 24 well? 25 Q. Yeah, if there's anything else in the second

Page 42 1 two photos. 2 Α. I can't say that there really is, no. 3 And just out of curiosity, since I know what 0. it's like to get an appraisal done, if you 4 5 take a look at the following two pages of the 6 report that show comparable sales and 7 listings, can you take a quick look at those 8 and tell me if you know any of those houses, 9 if you know the people who live there. 10 MS. JOSELSON: Object. 11 No. Α. 12 BY MR. WILSON: 13 Okay. I was hoping one would be David's Q. 14 house. 15 Okay. So I think that concludes probably 16 the artistic portion of this exam. 17 going to ask some questions now about your home. 18 19 Is the -- is your home a wood frame home? 20 Α. Yes. 21 And I saw stone facing at the basement level. 22 Is that a facade or is that stone 23 foundation or --24 That's -- that's -- it's --Α. No. 25 it's real stone, but it's stone facing.

Page 43

- Q. And the home has a total of three bedrooms; is that correct?
- A. It has -- it has two bedrooms on the second floor. It has the master bedroom on the first floor, and then in the finished basement, there is a, as shown on the plans, a bedroom, slash, study, however it might be used. Kind of a flexible room.
- Q. And is it three baths?
- 10 A. There are actually -- because -- because
 11 people count bathrooms in strange ways --
- 12 Q. Mm-hmm.

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- A. -- with half baths and three-quarter baths and full baths, so I'll tell you.
- 15 Q. Okay.
 - A. On the second floor there is a full bath with a tub/shower unit. In the master bath, that is also a full bath with a -- a bathtub/shower unit. And the -- also on the main floor, there is a half bath with just a toilet and a sink, and then in the basement there is a sometimes called a three-quarters bath. It has just a shower instead of a full bathtub. So there is actually four bathrooms.
 - Q. And the total square footage of your home is

Page 44 1 approximately how much? 2 Α. Well, finished space, living space is about, 3 as I recall, about 2200 square feet. there is also the -- the screened-in porch, 4 5 which is another 250 or so or maybe a little 6 less than that, 200 square feet, and then the 7 space in the enclosed basement, garage and utility room. 8 9 Q. And the home was built, was it 2008? 10 Α. Yes. 11 And you purchased it at that time? 0. 12 We -- we purchased the -- the lot and then Α. 13 entered into a -- an agreement -- a contract 14 with a construction company to build the 15 house. 16 Q. And I understand you purchased the lot from 17 Blue Heron Construction, and they also did 18 the -- the work; is that correct? 19 That's correct. Α. 20 Do you own any other real property besides Q. 21 your home at 35 Asa Way? 22 Α. No. 23 So on Asa Way can you tell me how many other Ο. 24 homes there are on your block, if block's the 25 right way of saying it?

Page 45

- A. On Asa Way, let's see, there's one -there's -- there's -- I'm going to say there's
 five. The reason I hesitate a little bit is
 one of the houses is right about on the
 intersection with Asa Way, Susan Taylor Lane
 and Royal Street. So I'm not sure technically
 which street that one's on.
- Q. Okay. I'm going to be asking in a bit about your neighbors' properties. And when I say your neighbors' properties, let's just for -- for the time being, let's say that those five homes are your neighbors' properties so just -- you'll know what I'm talking about when I ask that.

Are all those homes on the same size lot or do they -- lot sizes vary?

- A. The lot sizes vary slightly.
- Q. Slightly -- can you give me a sense of how much?
- A. I think that the smallest one might be closer to four-tenths of an acre. Maybe between, you know, a third and four-tenths of an acre. I think -- I think ours is, of the ones that are built -- built on, one of the larger lots.
- Q. And are the other homes on your street also

Page 46 1 constructed of wood? 2 Α. Yes. 3 Any constructed of brick or stone? No. 4 Α. 5 Do you know how many bedrooms the other houses Ο. 6 on Asa Way have? 7 Α. No. 8 Are the homes from the street roughly the same Ο. 9 size as yours? 10 Object. MS. JOSELSON: 11 Not all of them. Α. 12 BY MR. WILSON: 13 How many are bigger? Q. 14 Α. I don't know. 15 Q. When you say -- when you say not all of them, 16 just tell me what you mean by not all of them. 17 Well, there's -- there is -- there is one Α. 18 house, for example, at the curve of the road 19 that's clearly a smaller footprint house than 20 The house that's -- the next two houses 21 up between our house and that one I mentioned 22 appear to be close to the same size as our 23 house, but I really don't know the -- the 24 square footage. 25 And are you close with your neighbors? Q.

Page 47 1 Not particularly. We know them. Α. 2 Q. In terms of the age of those homes, were they 3 built around the same time as your home or before or after? 4 5 MS. JOSELSON: Object. 6 Α. Of the -- the houses I mentioned on Asa Way, 7 two were built before ours, and two were built 8 after ours or three -- three were built after 9 ours. 10 BY MR. WILSON: 11 And are those in relatively recent time, or Q. 12 were these older developments that were built 13 before yours? 14 MS. JOSELSON: Object. 15 Α. Relatively recent. 16 BY MR. WILSON: 17 Q. Do I understand that you live in the North 18 Village Subdivision; is that correct? 19 Α. Technically that is the name of the 20 development, yes. 21 Ο. Okay. And it's a relatively recent 22 development; is that correct? Relatively. It was -- it was developed in a 23 Α. 24 couple of stages. 25 Q. Can you describe that to me?

Page 48 To the extent that I can, yeah. Α. I mean, I know very little about the history of it; but the first part of the development, the first houses were built along Susan Taylor Lane, and that was largely built out before the -- they finished the improvements to the road and extended it to the -- all the way around Asa Way after -- after Susan Taylor Lane was built out. Are the other homes on your street the same style as yours? MS. JOSELSON: Object. Α. On Asa Way? BY MR. WILSON: Q. Yes. I'd say no. Α. Q. In the neighborhood are they the same style? Α. I would say that there are a variety of styles. And they're mostly newer homes though; is that Q. correct? Α. Yes. What other styles would you see represented Ο. there?

Object.

MS. JOSELSON:

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Page 49

- A. Well, you're -- you're kind of asking me to describe building styles in detail, and I don't know if I'm really qualified to do that, but there's, you know, there's one that's more contemporary style home. There's one that's more of a classic colonial style home. And there's, you know, there's a home that's more of like a modified ranch if you get down to Susan Taylor Lane.
- Q. That's -- that's extremely helpful. So thank
 you. You don't need to be an expert witness
 on architecture.
- A. Well, that's a good thing.
 - Q. Okay. Do most of the homes on your street have air conditioning?
- 16 A. I don't know.
- Q. And the heating system that you have in your home, is it forced air?
- A. I -- I chuckle because you -- you asked me -
 well, you -- you do not realize it's a

 complicated question.
- 22 Q. Okay.

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- 23 A. But I will happily answer.
- 24 Q. Please do.
- 25 A. So I would say that our primary heating system

Page 50 1 is passive solar --2 Q. Okay. 3 -- because the house is oriented directly Α. along the solar south access with significant 4 5 solar gain. So probably most of our heating 6 comes directly from solar radiation. 7 The -- the -- the second part of the heating system is a pellet stove, which is 8 9 located in the -- in the living room, as you 10 see on the plans, which basically heats the 11 house to the extent that the sun doesn't. 12 And then there's a -- a third-level 13 heating system that's a -- a radiant floor 14 heating system that's powered by an oil-fueled 15 Buderus boiler. 16 Okay. That is a complex answer. Ο. 17 Α. Yeah, sorry about that. 18 Q. No. 19 I'm an energy geek. Α. 20 Yeah, well, I'm not surprised that someone of Q. 21 your background has this kind of heating 22 system. 23 But -- so first of all, the -- the solar 24 heating system, is that something that you 25 chose primarily for environmental reasons,

Page 51 1 primarily for cost reasons or both? 2 Α. Absolutely both. 3 0. Okay. And you said it's the primary system of heat. 4 5 How much of the year does that -- does it 6 provide the -- as much heat as you need? 7 It's -- it's difficult to quantify solar Α. 8 thermal heating, but it depends -- it's more 9 weather dependent than seasonally dependent. 10 On a -- on a sunny day at any time of the 11 year, it provides plenty of heat to heat the 12 house. On an overcast, cool day, it does not. 13 So then the -- the pellet stove goes on. 14 And the pellet stove is -- could it also burn Ο. 15 regular wood but you just choose to burn 16 pellets or does it only --17 Α. No. 18 It only burns pellets? Q. 19 It only burns pellets. Α. 20 Okay. And the radiant floor heating system --Q. 21 that was an aspiration for our home, but we 22 did not get to it -- you said that's heated by 23 a boiler. 24 Is that a high-efficiency boiler? 25 Α. It's the highest efficiency oil boiler

Page 52 1 that was available on the market when we built 2 the house. 3 And so it's an oil boiler. Is that because Ο. there's -- is there no natural gas service to 4 5 the home or --That -- that would be -- that's true that 6 Α. 7 there's no natural gas service to the home, but that probably wouldn't have been the --8 9 Q. Didn't affect your decision making? 10 Α. No. 11 So what do you do -- how often do you have to Ο. 12 supply oil to the boiler? 13 Α. So I would say that that's changed a little 14 bit over time, because our -- when we first 15 moved into the house several of our children 16 were living with us, and there was a little 17 bit more demand on the oil, because it not 18 only heats the space in the house, but it also 19 is a backup to the thermal hot water system. 20 So originally we filled it probably once a 21 year, the oil tank. 22 Q. Mm-hmm. And now it's maybe once every 18 to 24 months. 23 Α. 24 Q. And how big is the oil tank?

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Page 53 1 I'm going to say that's about 250 gallons. 2 Q. Okay. Now, just out of curiosity, because, 3 you know, I used to live in Jersey City, and there all the old homes had big oil tanks, and 4 5 the oil tanks were more of like an 6 environmental concern that they were buried 7 and you had to dig them up and deal with them. 8 What do you do for your -- your oil tank 9 to make sure that it's environmentally 10 positive rather than an environmental 11 liability? 12 MS. JOSELSON: Objection. 13 Α. The -- the oil tank is located in the utility 14 room which has a fully enclosed, you know, 15 concrete floor. 16 BY MR. WILSON: 17 Q. So the big mistake with oil tanks is burying 18 them; is that the issue or --19 MS. JOSELSON: Objection. 20 Α. Speaking from my -- my experience in 21 brownfield planning, buried underground 22 storage tanks can be a problem. 23 MR. SILVER: We've been going for over an 24 I need to take a break. hour. 25 MR. WILSON: That's fine, yeah.

		Page 54
1		THE VIDEOGRAPHER: Time is now
2		approximately 10:27 a.m. Going off the
3		record.
4		(Brief recess taken.)
5		THE VIDEOGRAPHER: The time is now
6		approximately 10:41. Going back on the
7		record.
8		BY MR. WILSON:
9	Q.	Mr. Sullivan, do you know if other homes on
10		your in your neighborhood have the same
11		type of heating system that you do?
12	A.	No.
13	Q.	Would you expect they do? Is that a common
14		kind of heating system?
15		MS. JOSELSON: Object.
16	A.	So I I don't think that any of the homes on
17		the street put the level of emphasis on
18		passive solar heating.
19		As far as oil-based, I wouldn't be
20		surprised if some have oil. Some probably
21		have propane. Some probably have wood. I
22		don't know.
23		BY MR. WILSON:
24	Q.	And your air conditioning system, is it a
25		mini-split system or

Page 55 1 Α. Yes. 2 Q. -- some other kind? 3 Α. It's a mini-split. And how many handlers do you have? 4 Q. 5 Α. Three. 6 0. Three. And where are they located? 7 In each of the upstairs bedrooms and in the Α. 8 master bedroom. 9 Q. How often do you end up using that? 10 Again, that -- you know, it -- it has changed Α. 11 over time because, you know, we don't have --12 it's just my wife and I now. So currently I 13 would say maybe 15, 20 times a year in the 14 evening. Cool it down. 15 Are there any commercial properties located in Q. 16 North Village? 17 Α. No. 18 Q. Any religious institutions? 19 Α. No. 20 Any government buildings? Q. 21 Α. No. 22 Q. Can you tell me where you lived before you 23 lived on Asa Way? 24 Α. Immediately prior? 25 Q. Yes.

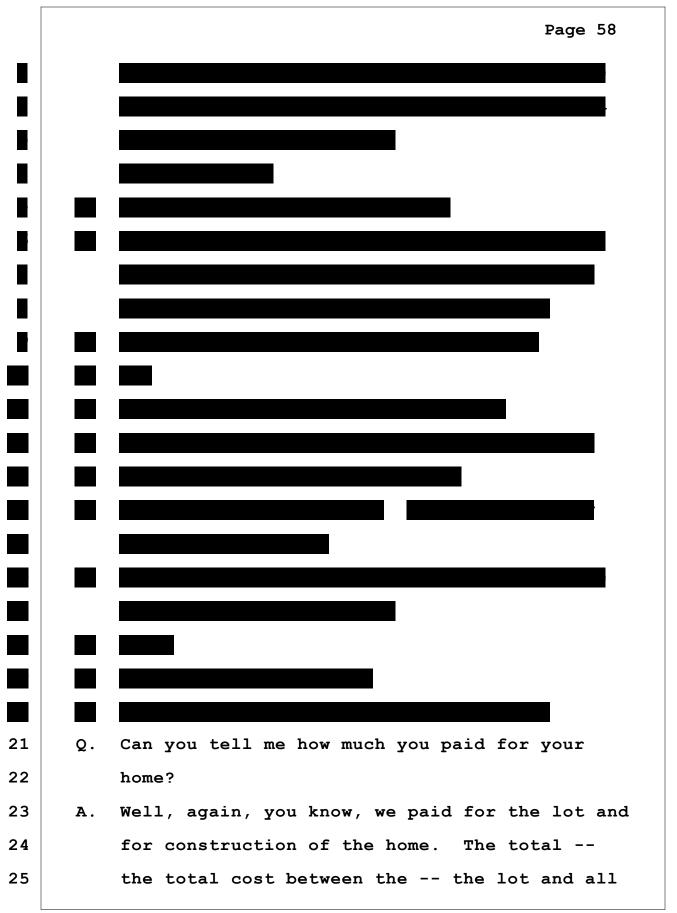
Page 56 1 We rented a -- an apartment in a house on Α. 2 South Street in Bennington. 3 And before that? 0. Before that I lived at a house on -- on 4 Α. 5 Hollerith Road in Arlington, Vermont. 6 Ο. Is Arlington, Vermont, also in Bennington 7 County? 8 Yes, it is. Α. 9 So you were with Bennington County Regional Q. 10 Commission at that time? 11 Yes. Α. 12 And when did you move from that apartment or Q. 13 that home on Hollerith Road to your apartment 14 on South Street? 15 I think it was in the summer of 2008. Α. 16 an apartment we rented for a few months while 17 we were -- construction was being completed on 18 our house. 19 And did you live with Miss Addison at Q. 20 Hollerith Road? 21 Α. No. 22 Was that your -- your ex-wife that you lived Q. 23 with there? 24 Α. For a short period of time.

And how long was that period of time?

Q.

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		Page 57
1	A.	How long did I live there?
2	Q.	Yeah. How long did you live there yes,
3		that would be the question.
4	A.	I lived there for approximately 20 years.
5	Q.	Okay. And you were with your ex-wife at that
6		home for how long?
7	A.	My ex-wife?
8	Q.	Yes.



Page 59 1 the improvements was about \$480,000. 2 MR. WILSON: Can we mark this as 3 Exhibit 5? (Deposition Exhibit No. 5 was marked for 4 5 identification.) BY MR. WILSON: 6 7 The court reporter has handed you what's been Q. 8 marked as Exhibit 5 to your deposition. 9 Can you tell me what this is. 10 Let's see, this looks like an e-mail from Blue Α. 11 Heron Construction to me that details some of 12 the final adjustments on the construction and 13 a request for a cash disbursement. 14 And so it says total contract cost A plus B Ο. 15 equals 396,102.75. And that's a handwritten 16 note. 17 Did I read that correctly? 18 Α. Yes. 19 Is that the initial cost of construction? 0. 20 That -- that -- that is the -- the contract Α. 21 cost, which was \$377,000, our initial contract 22 with Blue Heron, plus the sum of the 23 adjustments that are indicated in this e-mail. 24 Q. And you mentioned the total cost that you've 25 paid now is about 480,000?

Page 60 1 That's correct. Α. 2 Q. And so the difference between the 396 and the 3 480,000, what is that? Well, the -- the largest share would be the 4 Α. 5 cost of the lot, which isn't included in the 6 construction cost, which was about \$60,000. 7 And the remainder? Q. 8 Α. The additional items would be things that --9 included things like the driveway paving, the 10 solar photovoltaic panels, the garden shed. 11 I'm not sure if there were a couple other 12 minor improvements. 13 Q. And how did you finance the purchase of your 14 home? 15 Α. We -- a mortgage. 16 And do you know approximately how much you put 0. 17 down? 18 The initial down payment I don't recall. Α. 19 Do you know -- or withdraw that question. Q. 20 Have you obtained a home equity line of 21 credit since that time? 22 Α. No. But you have refinanced your home? 23 0. 24 Α. Yes. 25 Have you refinanced it twice? 0.

Page 61 1 Α. Yes. 2 Q. And you produced the two appraisals that you 3 received in connection with that refinance to 4 your attorneys; is that correct? 5 I -- I was able to locate two appraisals, and Α. 6 I -- I believe they were both associated with 7 the refi -- refinancing. The -- there was --8 you know, there was obviously another 9 appraisal associated with construction. 10 didn't have that. I think that's the one I 11 didn't have. 12 And we covered a lot of the details for your Q. 13 home in -- when we were marking on the 14 exhibits, but if you could give me some more 15 details about it. 16 Is your yard predominately grass? 17 Α. Predominately, yes. 18 Do many of your neighbors have fences around Q. 19 their yards? 20 Α. No. 21 Ο. Are most of them covered with grass? 22 Α. Most -- most of the houses in the neighborhood 23 have grass lawns. I can't say that most of 24 their individual lots are grass-covered. Ι 25 don't know that.

Page 62 1 I'd like to ask you a few questions now about 2 the -- the well on your property. 3 Can you tell me where on your property the well is located? 4 5 The -- the well is located toward the Α. 6 rear of the lawn and toward the north and east 7 part of the property. 8 Could you turn back to the exhibit that we had Q. 9 previously that shows the overhead view? And 10 would you make an indication on that where 11 your well is located? 12 Α. Sure. (Witness complying) 13 MS. JOSELSON: And just for the clarity 14 of the record, you're looking at Exhibit 3, is 15 that correct, and what page are you turning 16 to? 17 THE WITNESS: Exhibit 3 is the two, 18 three, four, five -- the seventh page. 19 MS. JOSELSON: And is there a Bates 20 stamp? 21 THE WITNESS: Oh, yes. Sull-Add6-0008. 22 MS. JOSELSON: Okay. Thanks. 23 BY MR. WILSON: 24 Q. Thank you. Do you know how deep the well 25 goes?

Page 63 1 I recall that they had to go about 520 feet Α. 2 deep. 3 0. Was it drilled at the time that your home was 4 built? 5 It was -- it was drilled as the -- basically Α. 6 the first part of construction. Well, just 7 prior to the home being built, yeah. 8 And for us city boys, is 520 feet, is that a Q. 9 pretty deep well? 10 MS. JOSELSON: Object. 11 That's -- that's a -- that's a relatively deep Α. 12 There are wells that are deeper. There well. 13 are many that are swallower. 14 BY MR. WILSON: 15 Can you tell me about the construction of the Q. 16 well? 17 Α. Really not a -- a well drilling expert. It's a -- it's a drilled well with -- with casing 18 19 where there's not bedrock. 20 What maintenance have you performed on your Q. 21 well on a routine basis? 22 MS. JOSELSON: Objection. 23 Α. None. BY MR. WILSON: 24 25 Q. Have you done the bacteria test that's

	Page 64
	recommended?
	MS. JOSELSON: Objection.
A.	I don't believe we've had a bacteria test
	done.
	BY MR. WILSON:
Q.	Do you know now frequently you've had that
	done?
A.	No, we haven't we haven't had a bacteria
	test done.
Q.	Oh, I'm sorry. You said you you haven't
	had it done?
A.	Right.
Q.	Misheard. Have you done any maintenance to
	the pump or expansion tank?
A.	No.
Q.	Do you know whether maintenance is recommended
	to your well?
	MS. JOSELSON: Objection.
A.	No.
	BY MR. WILSON:
Q.	Prior to January 2016, did you ever consider
	seeking to connect your property to municipal
	water?
A.	No.
Q.	Why not?
	Q. A. Q. A. Q.

Page 65 1 There would -- there would have been no need Α. 2 to connect to municipal water because we felt 3 that we had a -- a clean water supply. Do you know if there would have been a cost to 4 Q. 5 connect to municipal water? 6 Α. I don't -- I don't know, but I assume there 7 would have been a cost. 8 And are you now seeking to have your property Q. 9 connected to the municipal water? 10 Α. Yes, we are. 11 Do you know when that's scheduled to occur? 0. 12 Α. No. 13 Q. Do most of the other properties in your 14 neighborhood also use private wells? 15 MS. JOSELSON: Objection. 16 In -- in the neighborhood that includes the Α. 17 Susan Taylor Lane and Asa Way, yes. The lower 18 part of the neighborhood, if you would call it 19 that, Royal Street, is on municipal water. 20 BY MR. WILSON: 21 Do you happen to know how deep those wells 22 are? 23 Α. No. 24 MS. JOSELSON: Objection. 25 THE WITNESS: Oh, sorry.

Page 66 1 BY MR. WILSON: 2 Q. Do you know if any of your neighbors have 3 barns? 4 Α. Not on their properties. 5 Do they have tool sheds? 0. 6 Α. I -- I have to say I -- I've never -- I've 7 never done a survey, but I -- I think I can 8 recall one or two small garden sheds like we 9 have. 10 Q. Would you say in general that the way your 11 neighbors have done their -- their lawns, is 12 it similar or different landscaping to yours? 13 MS. JOSELSON: Objection. 14 Α. I don't -- I don't know if I could really 15 characterize it. I mean, there -- there, you 16 know, lawns with some ornamental plantings and 17 mature trees. 18 BY MR. WILSON: 19 Is there a home that's directly across the Q. 20 street from yours? 21 Α. No. 22 Are there homes directly next door to yours on Q. 23 either side? Both of the -- the lots on either side of us 24 Α. 25 and across the street from us are empty.

Page 67 1 Just out of curiosity, do you know why that 2 is? 3 Other than the rather obvious fact that Α. No. 4 no one's built on them. 5 Can you tell me about the -- the soil at your Q. 6 Is it -- is it clay, is it sandy, 7 rocky, soft dirt, something else? 8 It's -- it's primarily a sandy loam. Α. 9 And can you tell me about the foundation your Q. 10 home sits on; is it -- what's it made out of? 11 It's poured concrete foundation. Α. 12 Do you have a septic tank on-site? Q. 13 Α. No. 14 So are you connected to the public sewer then? 0. 15 Α. Yes. 16 Do you have any power lines buried beneath 0. 17 your land? 18 There's -- there's underground electric Α. 19 service to the house. 20 Have you ever had any occasion to dig in your Q. 21 yard? 22 MS. JOSELSON: Objection. 23 Α. Yes. 24 BY MR. WILSON: 25 Q. Okay. When you dig, do you tend to hit a lot

Page 68 1 of roots or rocks? 2 Α. I hit, I would say, hit some modest size 3 stones. Not many roots, no. About how big would you say the stones are? 4 Q. 5 I would say the average stone size would Α. 6 probably be about the size of a grapefruit. 7 Since you purchased the home -- I think I know Q. 8 the answer to these questions, but I got to 9 ask them -- have you had to replace the roof? 10 No. Α. 11 Have you had to replace the siding? Ο. 12 Α. No. 13 Q. Have you had to repaint? 14 Α. No. 15 Q. Have you replaced your windows? 16 Α. No. 17 When you did the solar panels, did you install Q. 18 those yourself or did you pay someone to do 19 it? 20 The photovoltaic panels? Α. 21 Ο. Yes. 22 Α. We paid someone to do that. 23 And I understand that the stone facing that's 0. 24 on your -- the facade, that was something that 25 was installed after you purchased the home; is

Page 69 1 that correct? 2 Α. No. 3 MS. JOSELSON: Objection. 4 THE WITNESS: Sorry. 5 That was -- that was -- that was done during Α. 6 construction of the home. 7 BY MR. WILSON: 8 Was it an add-on or something like that or --Q. 9 MS. JOSELSON: Objection. 10 By add-on you mean? Α. 11 BY MR. WILSON: 12 Add-on to the original contract price or the Q. 13 original scope of work? The -- the portion of that project that 14 Α. was included in the original contact --15 16 contract price was the cost of the stone. Ι 17 did the installation myself. 18 So for the improvements that you've done at Q. 19 the home, whether it's the -- the dog run, the 20 stone -- the stone facing, et cetera, do you 21 typically do those yourself? 22 MS. JOSELSON: Objection. 23 So I wouldn't say -- say typically, because I Α. 24 think you just named --25 BY MR. WILSON:

Page 70 1 A couple examples? Q. 2 All --Α. 3 Ο. It's an unfair question. Yeah, most of them. 4 Α. 5 Yeah, so those improvements did you do 0. 6 yourself? 7 The dog -- the dog run and the -- and the Α. 8 stone facing, yes, I did those myself. 9 Q. Did you do the tool shed yourself? 10 Α. No. 11 Did you do the landscaping yourself? Q. 12 Α. I did some landscaping myself. 13 Q. Did you do the retaining wall yourself? 14 Α. No. 15 Q. So you talked earlier about how you remodeled 16 your master bathroom recently. 17 Are there any other rooms that you have 18 remodeled since you bought the home? 19 No. Α. 20 Q. Have you repainted any rooms in the house? 21 Α. Just touch-up paint. 22 Q. Have you refinished the floors? 23 Α. No. 24 Q. For the improvements that you've done after 25 the construction of the home, how did you

Page 71 1 finance them? 2 Α. We -- we basically paid cash for any 3 improvements. I understand that you don't have any carpet in 4 Q. 5 your home, do you? 6 Α. No. 7 Q. Can you tell me if you have homeowners 8 insurance? 9 Α. Yes. 10 How many policies? Q. 11 Α. One. 12 Q. Who's your insurer? 13 Α. We get our insurance through Wills Insurance 14 locally. It's part of the Richards Group now. 15 Is that the -- the broker or is that --Q. 16 Α. That's the broker. 17 Q. Okay. Do you know who the carrier is? 18 Α. That's a -- that's good because we have -- we 19 have Safeco policy for auto and Cincinnati for 20 life, and one of the other of those is 21 combined with our homeowners. I think it's 22 Safeco, to tell you the truth. 23 Q. Okay. Do you happen to know how much you pay 24 in terms of annual premium for insurance? 25 MS. JOSELSON: Objection.

Page 72 1 I think it's approximately \$1,300. 2 BY MR. WILSON: 3 And do you know if there's any specific Ο. 4 exclusions from coverage? 5 MS. JOSELSON: Objection. 6 Α. I don't know. 7 BY MR. WILSON: Do you know what the total insured value of 8 Q. 9 your home is? 10 I believe it -- that we just got an adjustment Α. 11 to that, and I think -- I think it was -- it 12 was either 460,000 or \$480,000. 13 And is that a replacement cost valuation? Q. 14 Α. Yes. 15 Q. Did the insurance company make an actual value 16 estimation of your home value? 17 MS. JOSELSON: Objection. 18 I'm not sure what the insurance company did, Α. 19 other than send us a bill. 20 BY MR. WILSON: 21 So you're unaware of any value that the 22 insurance company has placed on your home, 23 other than the \$460,000 replacement cost 24 valuation? 25 MS. JOSELSON: Objection.

		Page 73
1	A.	That's true.
2		//
3		BY MR. WILSON:
4	Q.	Is your home currently for sale?
5	A.	No.
6	Q.	Have you tried to sell your home in the past?
7	A.	No.
8	Q.	Do you have any present plans to sell your
9		home?
10	A.	No.
11	Q.	Why not?
12	A.	We have no plans to sell the house because we
13		are currently living in the house and have no
14		plans to move at the present time.
15	Q.	What circumstances would lead you to sell your
16		home?
17		MS. JOSELSON: Objection.
18	A.	The only thing that, you know, we contemplated
19		over time when we built the house was at some
20		point, you know, when we retire, we might want
21		to downsize and move to another home
22		somewhere.
23		BY MR. WILSON:
24	Q.	What would what would downsizing be?
25		MS. JOSELSON: Objection.

Page 74 1 Probably just, you know, moving to a smaller 2 home somewhere. BY MR. WILSON: 3 Would you move somewhere else in Bennington or 4 Q. 5 somewhere else altogether? 6 Α. Great question. I have no idea. 7 MR. WILSON: I would like to mark this as 8 Exhibit 6. 9 (Deposition Exhibit No. 6 was marked for 10 identification.) BY MR. WILSON: 11 12 The court reporter has handed you what's been Q. 13 marked as Exhibit 6 to your deposition. I see 14 you got a nice chuckle out of seeing this. 15 Mm-hmm. Α. 16 Can you tell me what this is? 0. 17 Α. This is an e-mail from me to my wife regarding 18 a -- a house -- a real estate listing in 19 Camden, Maine. 20 Q. And it says in the last line, time to quit our 21 jobs and move. Oh, we have to sell our PFOA 22 house first, exclamation mark. 23 Mm-hmm. Α. 24 Did I read that correctly? Q. 25 Α. Yes.

Page 75 1 Were you considering moving to Maine? Q. 2 Α. No. We've never seriously considered moving 3 to Maine. Do you recall seeing this listing, and what 4 Q. 5 made you send it to your wife? 6 Α. I -- I -- I get real estate listings 7 from time to time that just kind of float 8 through, you know, those e-mails and home 9 pages like everybody does. So, yeah, so I 10 said, oh, there's -- Camden's a cool town. 11 Maybe we should move there, in an offhanded 12 sort of way, yeah. 13 Q. Did you take any action having seen that 14 listing to try to sell your home or --15 A. Oh, no. 16 Do you and your wife joke about PFOA when you 0. 17 talk to each other? 18 MS. JOSELSON: Objection. 19 I wouldn't say that we ever, you know, talk Α. 20 about PFOA in a -- in a joking way, other than what you see on this -- this, you know, this 21 glib e-mail. 22 23 MR. WILSON: I'd like to mark this as 24 Exhibit 7. 25 (Deposition Exhibit No. 7 was marked for

Page 76 1 identification.) 2 THE WITNESS: Thank you. 3 BY MR. WILSON: The court reporter has handed you what's been 4 Q. 5 marked as Exhibit 7 to your deposition. 6 Can you tell me what this is? 7 This looks like a page from probably my Α. 8 Facebook site? 9 Q. I'll represent to you that this is a printout 10 of your public Facebook profile. 11 Α. Okay. 12 And it's a big document, but I just have, I Q. 13 think, one question about it. 14 Α. Sure. 15 Q. If you'll turn to page 17? 16 (Witness complying) Okay. Α. 17 See a post that you made. It says Grinold, Q. 18 Jepson & Colvin: Rural economy is alive and 19 kicking - VTDigger. And Doug Sacra comments 20 on the post: Makes you want to be part of 21 some great development project in Vermont. 22 Let me know if you have something in mind for 23 a super green architect from Massachusetts 24 that likes old buildings and old industrial 25 downtowns.

Page 77 1 Did I read that correctly? 2 Α. Yes. And then you commented to -- or you replied to 3 Ο. Doug Sacra's comment, come visit Bennington. 4 5 I'll give you a tour of a great redevelopment 6 site. 7 Did I read that correctly? 8 Α. Yes. 9 Can you tell me, did you have a specific Ο. 10 redevelopment site in mind when you made that 11 comment? 12 I had a couple in mind probably, I think, when Α. 13 I was talking to Doug Sacra, who is an old 14 college friend of mine. 15 And what sites would those be? Q. 16 The -- the Putnam Block Project in the Α. 17 downtown and the -- the former Tuttle Hardware 18 lot on Depot Street. 19 And can you tell me a little bit about those Q. 20 sites and why they're -- you think they're 21 good redevelopment sites? MS. JOSELSON: Objection. 22 23 Well, the Putnam -- the so-called Putnam Α. 24 property is currently the subject of 25 redevelopment offered by a group called the

Page 78 1 Bennington Redevelopment Group, and there's been a lot of local interest in investment 2 3 in -- in that property because it's at the center of the downtown. And some people in 4 5 our office are actively on -- working on that 6 redevelopment project. 7 And, you know, my -- my -- my friend there, much -- who I haven't seen in probably 8 9 over 20 years, you know, is -- is apparently 10 interested in -- in redevelopment projects. 11 The Tuttle -- the Tuttle property is just 12 a -- a vacant lot near the center of town that 13 would seem to have a lot of redevelopment 14 potential. BY MR. WILSON: 15 16 And do you recommend that people come to Ο. 17 Bennington to try to develop or redevelop it? 18 MS. JOSELSON: Objection. 19 I would say that other than talking to my --Α. 20 my friend Doug through these -- these posts, I 21 haven't -- I haven't gotten involved in -- in 22 marketing Bennington. 23 BY MR. WILSON: 24 Q. Mm-hmm. Any reason why not? 25 It's not what I do. Α.

Page 79 1 Are you personally passionate about it? 2 Α. Personally passionate about what? 3 Ο. About marketing Bennington for redevelopment. No --4 Α. 5 MS. JOSELSON: Objection. 6 Α. -- I wouldn't say that. I'd say, you know, I 7 have a -- an interest as part of my job with 8 the Regional Planning Commission in seeing 9 successful economic development in our region. 10 BY MR. WILSON: 11 Do you think there are good opportunities for Ο. 12 redevelopment in Bennington? 13 MS. JOSELSON: Object. 14 Α. I think that there's some potential 15 opportunities for redevelopment in Bennington. 16 BY MR. WILSON: 17 Q. What do you think is good about Bennington 18 that makes it have good opportunities for 19 redevelopment? 20 MS. JOSELSON: Objection. 21 Α. Well, one of the -- one of the interesting 22 things about Bennington is its geographic 23 location, proximity to -- to population 24 centers and access in the southwestern corner 25 of Vermont. So there's -- there's -- mostly

Page 80 1 there's some good potential there. And then 2 there's some good synergies with some of the 3 nearby regions like the Berkshires in Massachusetts. And, you know, there's 4 5 relatively convenient access to a lot of 6 outdoor recreation areas like the Green 7 Mountain National Forest. 8 BY MR. WILSON: 9 Q. Have you ever attempted to lease or rent out 10 your home? 11 No. Α. 12 Do you have any training or experience in real 13 estate appraisal? 14 Α. No. 15 Q. Have you ever appraised your own property? 16 MS. JOSELSON: Objection. 17 Α. No. 18 BY MR. WILSON: 19 Have you ever appraised any property? Q. 20 Α. No. 21 Ο. Do you have any training in real estate sales? 22 Α. No. 23 0. Have you ever estimated the list price for a 24 property? 25 Α. I'm -- I don't really know what that is. You

Page 81 1 mean like a formal --2 Q. The asking price for the property; have you 3 ever estimated that? 4 MS. JOSELSON: Objection. 5 For my property or --Α. BY MR. WILSON: 6 7 For any property. Q. 8 Α. No. 9 Have you ever listed or sold a property? Q. 10 Α. You -- you mean as -- as a professional real 11 estate -- real estate professional? 12 First that, yes. Q. 13 Α. No. 14 Have you ever listed or sold a property as a 0. 15 homeowner? 16 I -- I listed my house in Arlington for sale Α. 17 by owner for a while. 18 Did it ultimately sell through for sale by Q. 19 owner? 20 Α. No. Did you use a realtor to sell that? 21 Ο. 22 Α. So the -- the initial contact was made through 23 my -- my for-sale-by-owner listing but the --24 the ultimate -- ultimately the buyer worked 25 through the real estate agent. We had a

Page 82 1 separate listing with the real estate agent. 2 Q. Have you ever used your home, either your 3 current home or your former home as collateral for a home equity line? 4 5 MS. JOSELSON: Objection. 6 Α. Not our current home, and I can't -- I can't 7 recall if we ever had a home equity loan with 8 the -- with the Arlington house. 9 BY MR. WILSON: 10 Have you allowed any others, such as family Q. 11 members, to use your home as collateral for a 12 loan? 13 Α. No. 14 Has a real estate sales agent or broker ever 15 estimated the market value of your home? 16 I was trying -- I was trying Α. Well -- no. 17 to think if -- if anyone had done an estimate 18 on it before we built the house, a real -- a 19 real estate agent, but I don't believe anyone 20 did. 21 Has a real estate agent or broker ever given 22 you their opinion on a list price for your 23 home? 24 Α. No. 25 0. Are you aware of the tax assessed value of

Page 83 1 your home at this time? 2 Α. Approximately. 3 That value was the same both before and after Ο. the discovery of PFOA in Bennington; is that 4 5 correct? 6 MS. JOSELSON: Objection. 7 I believe that's correct. 8 BY MR. WILSON: 9 Did you ever challenge the tax assessor's Q. 10 valuation of your home because of the presence 11 of PFOA? 12 No. I, you know, I talked with the municipal Α. 13 assessor about it. 14 Have you ever challenged the tax assessor's 0. 15 value of your home for any reason? 16 Α. No. 17 Q. I understand from recent discovery responses 18 that have been served on your behalf -- and 19 I'm happy to pull them out and we can look at 20 them if you'd like -- but I understand that 21 you have come up for -- with an estimate of 22 the value of your home without PFOA in it. 23 MS. JOSELSON: Object --BY MR. WILSON: 24 25 Q. Can you tell me how you came up with that

Page 84 1 estimate? 2 MS. JOSELSON: Object to form. 3 Sure. Well, we -- you know, I know -- I know Α. my house and know what went into the house. 4 5 I -- I know that, you know, we have over 6 \$480,000 into it. We know -- you know, we 7 know the area, we know the quality of the 8 construction of the house and the -- the 9 quality of the -- the lot and the location 10 where it is. And so it is largely based on 11 that and a knowledge of the, you know, the 12 community. 13 BY MR. WILSON: 14 And so you came up with an opinion of the Ο. 15 value of your home both without PFOA and an 16 opinion of the value of your home with PFOA; 17 is that correct? 18 That's correct. Α. 19 Did you research or analyze any market data to Q. 20 develop those opinions? 21 Α. Did not do market research, no. 22 Did you arrive at those opinions on your own Q. 23 or through consultation with another person? 24 Α. I arrived at those on my own. 25 Q. Did you consult your wife?

Page 85 1 Α. Yes. 2 Q. Shifting gears a little bit. You mentioned 3 that you have a vegetable garden at your home? Yes, we do. 4 Α. 5 And I understand that you've made changes to 0. 6 that garden based on the presence of PFOA; is 7 that correct? 8 Α. Yes. 9 Can you tell me what changes you made? Q. 10 Sure. We -- we no longer plant any vegetables Α. 11 in the native soil. We constructed eight 12 raised beds and imported soil to fill those, and I have to -- I have to say we -- we don't 13 14 grow many vegetables in them anymore. 15 you know, sunflowers and things like that. 16 Did you use them for a lot of vegetables 0. 17 before the discovery of PFOA? 18 We -- we -- we had -- you know, I mean, it Α. 19 wasn't a farm, but, you know, we had -- we had 20 quite a variety of vegetables. 21 Did anyone tell you that it was necessary for 22 your safety to not use the soil at your home 23 for growing of vegetables? 24 Α. There -- there was -- there was a fair bit of

information from the state on what you should

25

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and shouldn't do and what, you know, various research findings were on crops grown in PFOA contaminated soils. But, you know, they -- they didn't give any clear specific guidance. We just -- we just felt -- we felt more comfortable.

Q. Does the fact that you grow less in your garden now have anything to do with the fact that there's PFOA -- that there was PFOA there?

MS. JOSELSON: Objection.

A. Yeah.

BY MR. WILSON:

- Q. But if -- just so I'm understanding correctly, if you brought new soil in that doesn't have PFOA in it, why do you not grow as much as you used to?
- A. Well, it's -- like I said, it's -- it's more of a -- of a -- of a feel thing. You know, my wife really wasn't -- wasn't comfortable with the -- the amount that we were growing before and even with the raised beds. So we still -- we still do grow some things. Not as much.
- Q. And when you did grow, was it primarily for your own use?

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- A. Primarily. My -- actually my -- my wife used a lot of the zucchini and cucumbers and peppers and onions to make relish that she gave away to other people.
- Q. You have a side business as a farmer?
- A. No.

Q. So you described the change in your use of your property based on the presence of PFOA, that you've now got these raised vegetable beds.

Have there been any other changes in how you use your property since the discovery of PFOA?

- A. So I -- I think -- I think that that goes to a couple things. You know, we certainly changed the way that we get and use water at the property, which is a significant change in the way we've lived there. We, you know, we use water in jugs and -- and bottles that are delivered that we have to, you know, haul around the house when we want to consume water or anything that we make with water.
 - That's -- that's certainly one thing.

And then there's also -- there's also just the -- the overall general sense of

Page 88 1 comfort and enjoyment of the property that, 2 you know, prior to the discovery of PFOA was, 3 you know, rather our -- our -- kind of like our dream home and -- and things were --4 5 everything that we did at the house was really 6 seen in a -- in a positive context. 7 that's -- that -- just kind of the 8 feeling that -- that comfort and level of 9 comfort and pleasure of the house has been, 10 you know, changed than what we are living in 11 the house now. 12 Anything else? Q. 13 Α. No. 14 And --Ο. 15 Α. Nothing that I can think of at the moment. 16 0. -- when you -- when you talked about how you used bottled water, do you still use bottled 17 18 water now that the POET's been installed? 19 Yes, I do. Α. 20 Q. Is it your understanding that the POET has removed PFOA from the water? 21 22 Α. That -- when it's been tested, the POET -- the 23

- findings have been that the POET system has been removing the PFOA.
- Q. And what's your reason for continuing to use

24

25

Page 89

bottled water?

A. Well, there's -- there's a few things about
the -- primarily about the -- the POET system
itself. There's one, it's only tested every
few months so that you know, once it's been
tested, that the water is okay. You don't
know on a day-to-day basis that the system is
still functioning adequately. And we've had
some problems with the POET system.

At one point there was a malfunction in the ultraviolet light system that kills the -- the pathogens that are known to grow in the carbon filters, and so Culligan had to bypass that until they would get a new part.

So we did not feel that was -- that's the kind of thing that could go wrong. We don't want to be, you know, consuming these pathogens that might grow on the carbon filters.

And, you know, a while ago an alarm went off on the system, and I called Culligan to find out, you know, what the cause of that alarm was, and -- and they said, oh, that just means that the filters are -- are supposed to be replaced.

Page 90 1 And -- and I asked, you know, when they 2 were going to be replaced. 3 And she said, oh, probably later this month. 4 5 And so those are the kinds of things that 6 raise concerns with the -- with the POET 7 system. 8 Ο. Now, the -- the maintenance -- withdraw that 9 question. 10 So this ultraviolet bypass, is that the 11 correct name for it or did I --12 Well, it's a -- it's a -- it's a UV light, has Α. 13 a tube that the water goes through and the UV 14 light, I guess, kills the -- it's supposed to 15 kill the -- anything that -- that is picked up 16 from the carbon filters. 17 Oh, and I'm sorry, and they had to bypass that Q. 18 when it was malfunctioning? 19 Α. Yes. 20 Okay. And I think you -- I saw somewhere in Q. 21 your discovery responses that there had been a 22 malfunction with the POET that had caused some 23 damage to your drywall? 24 Α. Oh, so -- so there -- there was -- there was a 25 malfunction. That was associated with that.

		Page 91
1		There was there was leak there was leaks
2		there. I don't know if it was actually
3		drywall, but there was some damage to
4		that whatever was along the wall that it
5		leaked onto. I can't say that that was
6		drywall.
7	Q.	Okay. And so that was the same problem as
8		the
9	A.	Yes.
10		MS. JOSELSON: Let him
11		THE WITNESS: Oh, I'm sorry. I forgot
12		rule one. Yes.
13		BY MR. WILSON:
14	Q.	You know where I'm going. But that was the
15		same problem as the ultraviolet
16	A.	Yes.
17	Q.	filter?
18		And did you have to pay to fix the
19		ultraviolet filter?
20	A.	No.
21	Q.	Did you have to pay to fix any damage to your
22		wall?
23	A.	No.
24	Q.	Do you know how much it cost to fix
25		MS. JOSELSON: Objection.

Page 92 1 BY MR. WILSON: 2 Q. -- the damage to your wall? 3 The wall is as the wall was. Α. No. Do you know how much it cost to fix the 4 Q. 5 ultraviolet filter? 6 Α. No. 7 Do you know how a prospective home buyer would Q. 8 view the fact that you have a POET system in 9 your home? 10 MS. JOSELSON: Objection. 11 Do I know how a prospective homeowner? Α. 12 BY MR. WILSON: 13 Q. Yes. 14 And I answer -- I answer that way because Α. No. 15 you're asking about a prospective homeowner, 16 and different homeowners might respond -- or 17 potential buyers might respond differently. 18 Would a connection to municipal water affect Q. 19 your belief about the valuation of your home? 20 MS. JOSELSON: Object. 21 Α. Yes. 22 BY MR. WILSON: 23 How would it affect it? 0. 24 Α. It would -- it would -- it would improve 25 the -- the value of the home from its current

Page 93 1 condition. 2 Q. And why is that? 3 Because at the present time, the water that Α. comes into the house is contaminated with 4 5 toxic chemical, and the municipal water supply connection would -- would address that 6 7 particular concern. 8 Do you believe that -- let me withdraw that. Ο. 9 You've described the value of your home 10 that you believe it has without PFOA and the 11 value that it has with PFOA. 12 If the home was connected to municipal 13 water, do you believe that that brings its 14 value up to the value without PFOA? 15 Α. No. 16 Why not? 0. 17 Well, because that addresses one concern Α. 18 with -- with providing potable water to the 19 It -- it doesn't address the broader house. 20 contamination issue that the -- that the 21 entire area remains contaminated with PFOA. 22 Would you stop using bottled water if your Q. 23 home was connected to municipal water? 24 Α. Yes. 25 0. Can you describe any general community

Page 94 1 amenities that enhance the value of your home? 2 MS. JOSELSON: Objection. 3 Α. Community amenities that enhance the value of the home? 4 5 BY MR. WILSON: 6 Ο. Yes. 7 By community you mean public or just things Α. 8 located in the area? Either -- either one. 9 Ο. 10 Same objection. MS. JOSELSON: 11 Well, I -- I would say that, you know, the Α. 12 open space and -- and adjacent Bennington 13 College is an amenity that's attractive. I'd 14 say some of the facilities in the village of 15 North Bennington where the property is located 16 such as the -- the rather highly regarded 17 Village School of North Bennington probably 18 affects the value of the property in a 19 positive way. 20 BY MR. WILSON: 21 Are there any factors in the community that 22 detract from the value of your home? 23 MS. JOSELSON: Objection. 24 Α. I would say that the -- the fact that we live in a zone of -- known zone of contamination 25

		Page 95
1		from PFOA detracts from the value of the home.
2		//
3		BY MR. WILSON:
4	Q.	Anything other than that?
5	A.	No, not that I can think of at the moment.
6	Q.	Do you actually know for a fact if your
7		neighbors' properties are physically impacted
8		by PFOA in the same way as yours?
9		MS. JOSELSON: Objection.
10	A.	I I know that I know that all the
11		properties in the zone of contamination have
12		been affected by the presence of PFOA.
13		BY MR. WILSON:
14	Q.	Do you know that they're affected in the same
15		way?
16		MS. JOSELSON: Objection.
17	A.	I know I know that all of the the
18		properties in in our neighborhood and in
19		the zone of contamination have have been
20		affected in some way by PFOA.
21		BY MR. WILSON:
22	Q.	But you know they've been affected in the same
23		way?
24		MS. JOSELSON: Objection.
25	A.	All all the properties in the zone of

Page 96 1 contamination have been documented to have been affected by PFOA. 2 I don't know the 3 specific details of every single house, but I know that everybody has been affected by its 4 5 presence. 6 BY MR. WILSON: 7 So you don't know that they've been affected Q. 8 in the same way? 9 MS. JOSELSON: Objection. 10 I don't know that they -- I -- I don't know Α. 11 that the properties in the zone -- all of the 12 properties in the zone of contamination have 13 been affected in an identical way, but I know 14 they've all been affected. 15 BY MR. WILSON: 16 What's your understanding of the term zone of Q. 17 contamination? 18 Zone of contamination, as -- as I understand Α. 19 it, is the area that's been mapped out by the 20 state as having shown detectable levels of 21 PFOA. 22 What disclosure do you think you would have to Q. 23 make to a prospective buyer of your house with 24 regard to PFOA? 25 MS. JOSELSON: Objection.

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A. I -- I expect that we would have to disclose to them that -- that we are -- the house is located in zone of contamination and that -- well, that's -- that -- that probably would be said, that the property is located within the zone of contamination.

MR. WILSON: We can take a break.

THE VIDEOGRAPHER: The time is now approximately 11:35 a.m. This completes disc No. 1 of the deposition of James D. Sullivan. Going off the record.

(Brief recess taken.)

THE VIDEOGRAPHER: The time is now approximately 11:51 a.m. Going back on the record with disc No. 2 of the deposition of James D. Sullivan.

BY MR. WILSON:

- Q. Mr. Sullivan, prior to January 2016, did you ever have your well water tested?
- A. No.

- Q. Now since that time, you've had your water tested for PFOA; is that correct?
- A. That's correct. It was tested as part of
 the -- the protocol that the -- that the state
 instituted.

Page 98 1 And do you know what the initial test result 2 was? 3 I -- as far as the PFOA levels? Α. Yes. 4 Q. 5 I -- I believe it was approximately 270 parts Α. 6 per trillion in the first test. 7 And after those tests, a POET was installed in Q. 8 your home; is that correct? It was after -- it was after -- I -- actually 9 Α. 10 I can't remember exactly the sequence, but a 11 POET system was installed, yes. 12 And who paid for that POET to be installed? Q. 13 Α. Not me. 14 Do you know who paid for it? 0. 15 Α. My -- my understanding is that Saint-Gobain 16 did, but I really don't have any direct 17 knowledge of that. 18 And after the POET was installed, did it Q. 19 remove PFOA from your water? 20 MS. JOSELSON: Objection. 21 The -- the -- when it's been tested Α. 22 subsequently, I -- I believe that the PFOA 23 levels were classified as non-detected. 24 BY MR. WILSON: 25 Q. So no PFOA has been detected in your water

Page 99 1 after the installation of that POET? 2 MS. JOSELSON: Objection. 3 Α. No PFOA has been detected in the water exiting the POET system. Its levels have increased 4 5 actually quite a bit before it goes into the 6 PFOA system. 7 BY MR. WILSON: 8 And to be clear, the water exiting the POET Q. 9 system is the water that is being used in your home; is that correct? 10 11 MS. JOSELSON: Objection. 12 Α. That's correct. 13 THE WITNESS: Oh, sorry. 14 BY MR. WILSON: 15 Do you use any water in your home, other than Q. 16 the water that comes out of the POET system? 17 Α. No. 18 Prior to January 2016 did you ever have your Q. 19 soil tested? 20 Α. Could I -- could I just retreat a moment? 21 Ο. What do you mean by retreat? 22 Α. A question. You asked if we used any other 23 water. 24 Q. If you -- if you need to change your 25 answer to that effect, please go ahead.

Page 100

- A. We -- we use the -- we use the bottled water
 that's brought into the house for domestic
 consumption.
- 4 Q. Thanks for that clarification or retreat.
- 5 A. Thank you.
- Q. Since January 2016, have you had the soil tested at your home?
- 8 A. No.
- 9 Q. So you've never had the soil tested at your home?
- 11 A. No.
- Q. Any other testing at your property with regard to PFOA?
- MS. JOSELSON: Objection.
- 15 A. No.
- BY MR. WILSON:
- Q. Any testing with regard to any other substances at your home?
- A. The -- the -- the tests that are done for PFOA include a number of other chemicals, as well.
- Q. And did those tests find any other chemicals of concern?
- A. Yeah. At -- at -- at varying levels, but,
 yeah, I'm not as familiar with -- with those
 specific chemicals. But they test for an

Page 101 1 array of them. 2 Did the levels of those other chemicals exceed Q. 3 recommended thresholds? I don't -- I don't believe so. I don't --4 Α. 5 I -- I can't speak to all those, no. 6 Ο. Do you and your wife entertain socially at 7 your home? 8 Infrequently. Α. 9 Ο. Has the detection of PFOA changed in any way 10 the frequency with which you entertain? 11 We've gone from infrequent to infrequent. Α. 12 Since PFOA was first detected in your water, Q. 13 have you taken any steps to have it removed? 14 MS. JOSELSON: Objection. 15 Α. Since PFOA was detected in the -- in the 16 water? 17 BY MR. WILSON: 18 Q. Yes. 19 Other -- other than agreeing to the Α. 20 installation of the POET system? 21 Ο. Yes. 22 Α. No. 23 Are you aware of the Bennington landfill? 0. 24 I -- I know where it is. Α. 25 How close is your home to the landfill? Q.

Page 102

- A. I can't say exactly. It's -- it's located off
 Houghton Lane, which is -- when you drive
 there, it's probably about a 3-mile drive.
- Q. Have you ever assessed the value of any other properties near your home?

MS. JOSELSON: Objection.

A. No.

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BY MR. WILSON:

- Q. Have you incurred any expenses due to PFOA in groundwater that have not been reimbursed?
- A. Your -- so apologies, but I think in terms of economics when you say that, and I -- I consider that kind of broadly. So expenses you mean dollars and cents?
- Q. Yes. I -- I mean actual -- actual expenses. You know, if something was -- I'm not talking about something if it was an inconvenience, but you didn't pay any money for it. Just actual expenses that you paid money for.

MS. JOSELSON: Objection.

- A. Actual expenses that we paid money for associated with the -- the PFOA.
 - Well, I mean, there's certainly the, you know, the changing in our -- the investment in the garden stuff that -- that we've done, as

Page 103 1 far as that goes. And other than that, I 2 would say probably the -- the recycling and --3 the effort of getting rid of all those plastic bottles that I so dislike. 4 5 BY MR. WILSON: 6 0. But any expense associated with that recycling 7 or just -- just time? 8 Α. Yeah. Time -- time is money. 9 Do you believe you'll have to incur any Q. 10 expenses in the future due to the presence of 11 PFOA in groundwater? 12 MS. JOSELSON: Objection. 13 Well, again, you know, I -- I would say Α. 14 expense is -- is -- you know, could be like an 15 opportunity cost issue. So an expense is the 16 loss -- loss in value of the house. 17 real expense. 18 BY MR. WILSON: 19 Q. Just -- just to keep things separate, I -- I 20 do understand that you're claiming loss of 21 value, but just so we're talking about the 22 same -- same things, I'm thinking of actual 23 expenses that you might spend out-of-pocket 24 dollars on.

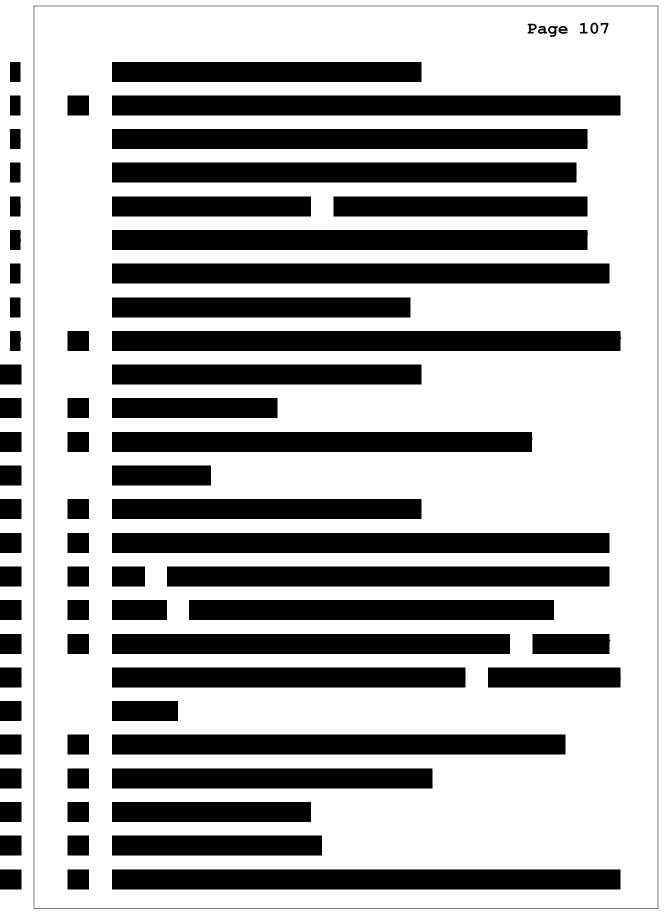
Do you anticipate any out-of-pocket

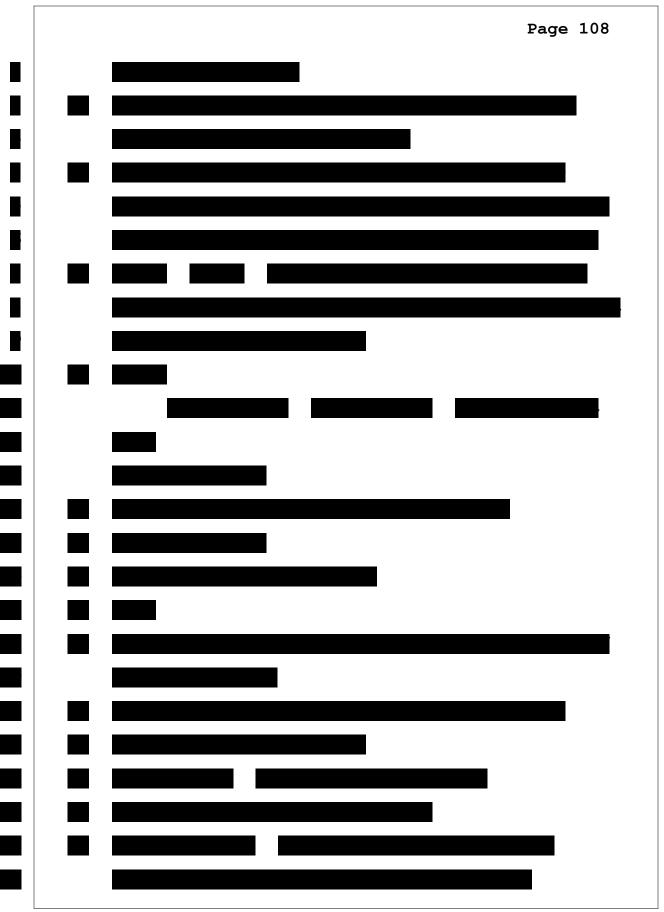
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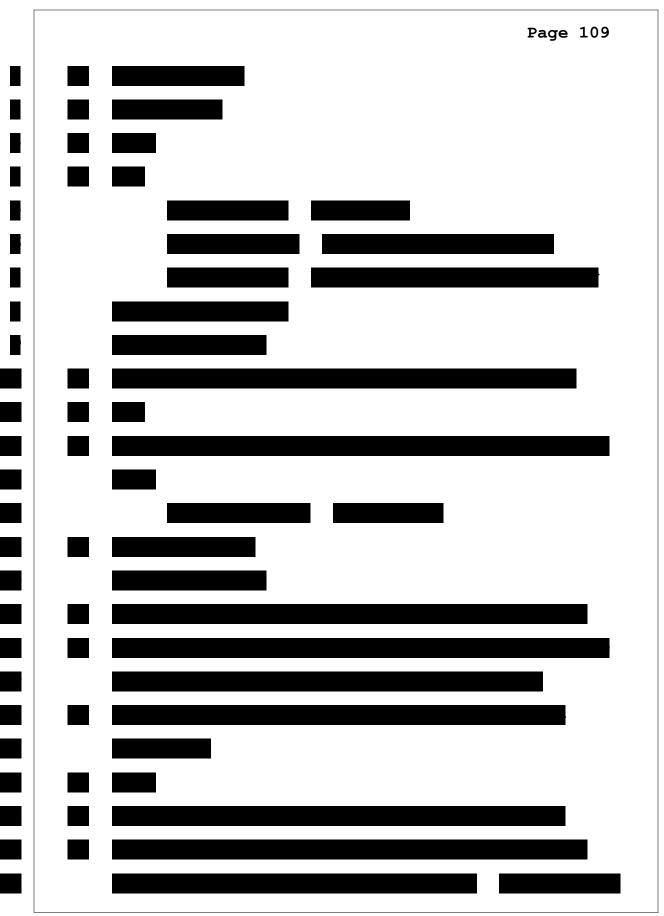
Page 104 1 expenses in the future --2 MS. JOSELSON: Objection. BY MR. WILSON: 3 -- with regard to PFOA in groundwater? 4 Q. 5 Out-of-pocket expenses that I'm -- I'm Α. 6 anticipating in the short term? I -- I don't 7 have any. 8 So we've been talking about your property for Q. 9 some time now. We're going to shift now to 10 talk about you. 11 Excellent. Fascinating subject. Α. 12 Well, I thought your property was pretty Q. 13 fascinating, too. 14 But can you tell me how old you are? 15 I'm 57. Α. 16 And how long have you lived in Bennington? 0. 17 Since the summer of 2008. Α. 18 And before that you were in Arlington? Q. 19 That's correct. Α. 20 And the only other address that you've lived Q. 21 at in Bennington was that apartment downtown; 22 is that correct? 23 Α. That's correct. 24 Do you happen to know whether that apartment Q. 25 was on municipal water?

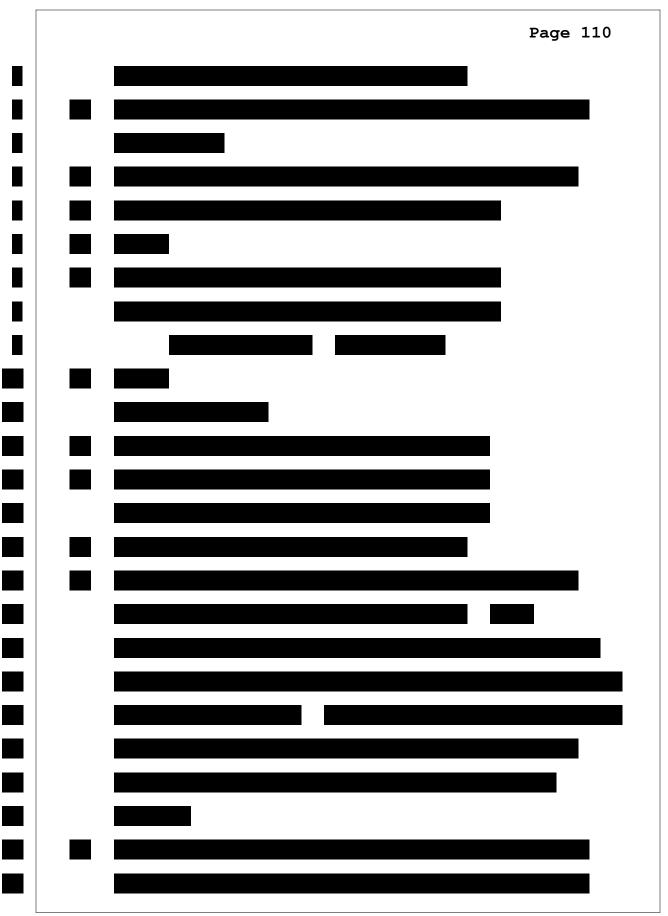
Page 105 1 Α. Yes, it was. 2 Q. And where did you grow up? 3 I grew up in Auburn, New York. Α. And how long did you live in Auburn? 4 Q. 5 Α. I lived there from the time I was born until 6 the time I graduated from high school in 1978, 7 returning during the summers while I was an 8 undergraduate. 9 Q. Okay. So it was New York, Auburn, New York, 10 from birth to end of high school. Then Maine 11 for college? 12 Yes. Α. 13 Q. And then back to New York for Cornell? 14 That's right. Α. 15 Q. And then -- I'm sorry, where did you get your 16 last degree? 17 Α. Syracuse. 18 Syracuse. Okay. And then to Vermont. Q. 19 Α. Yes. 20 To Manchester. Q. 21 I -- I -- well, I was -- that's correct. Α. 22 I was -- I was hired to work in Manchester, 23 and my first -- my first apartment in Vermont 24 was in Manchester Village. 25 Q. Okay. And then after Manchester, it was to

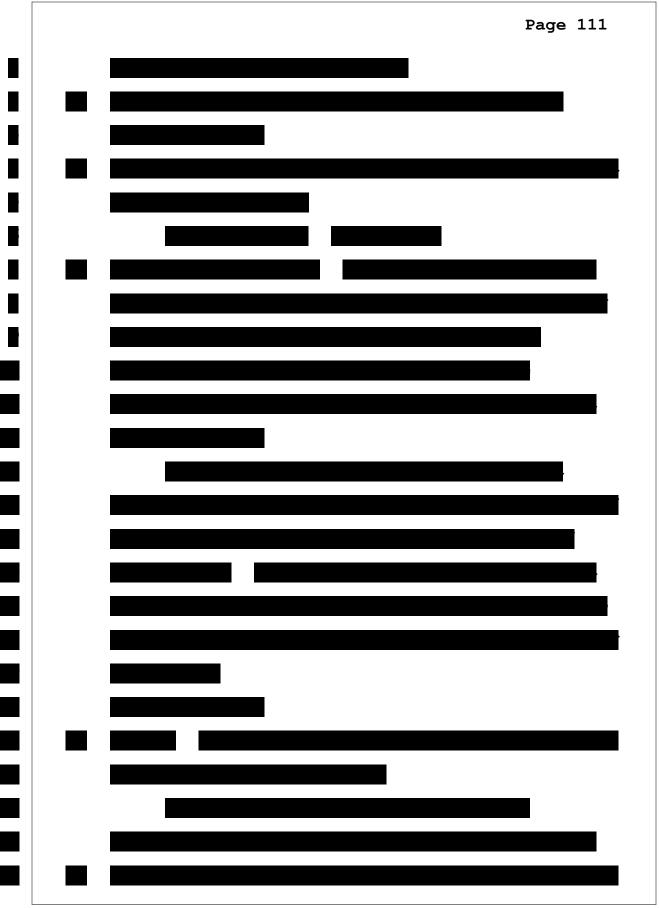
	Page 106
	Arlington?
A.	I lived in like I lived in three places
	technically in Manchester. A couple of them
	short term rentals after I moved out of the
	first one, and then I moved to an apartment in
	Arlington, West Arlington, while while the
	first house the Hollerith Road house was
	building built.

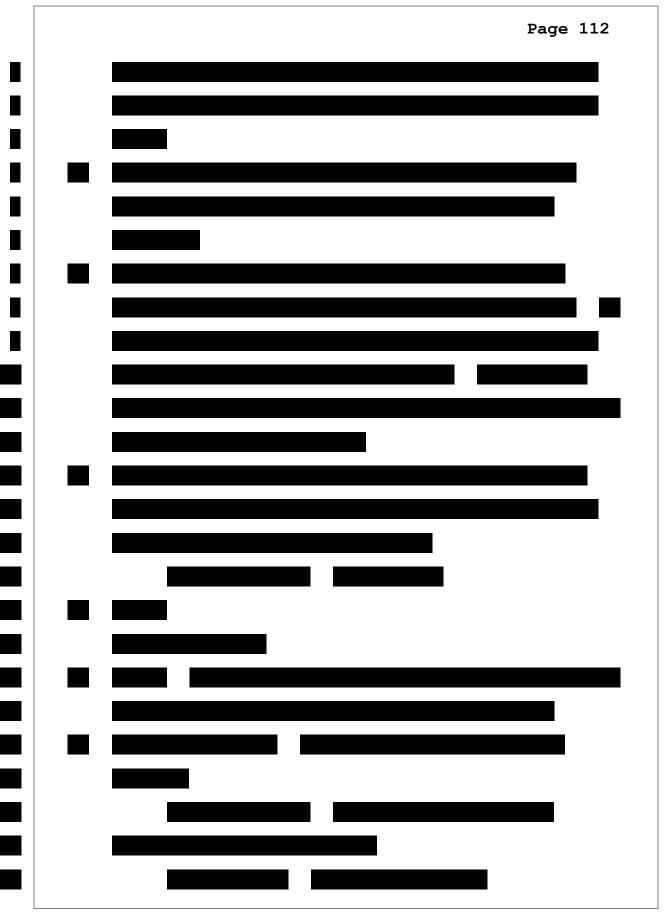


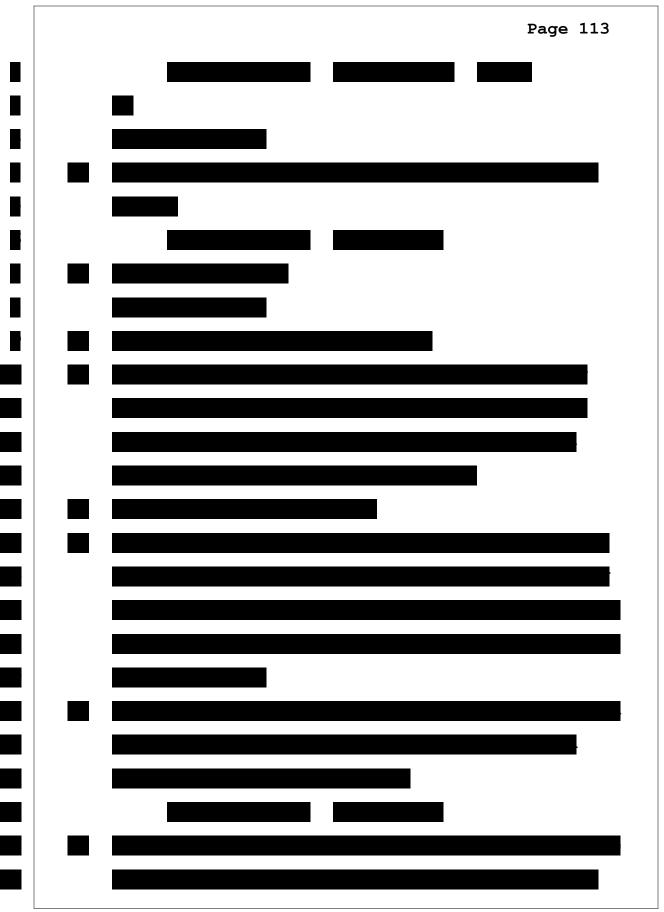


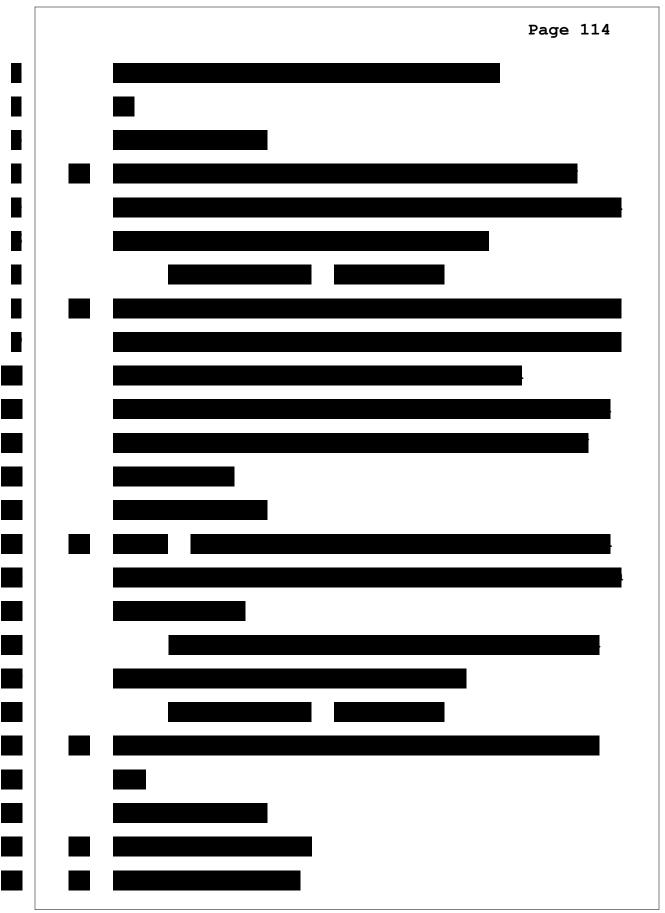


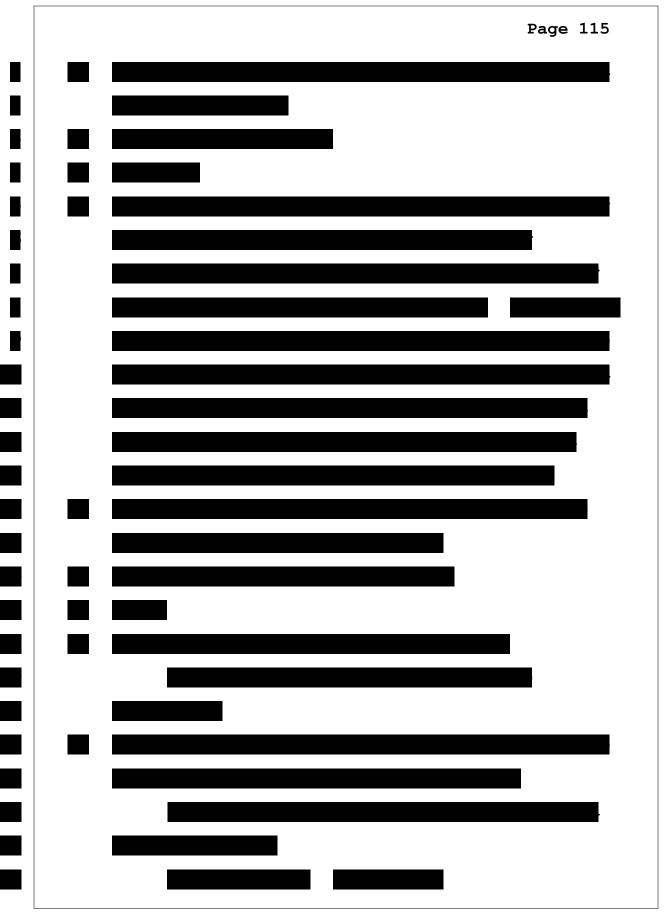


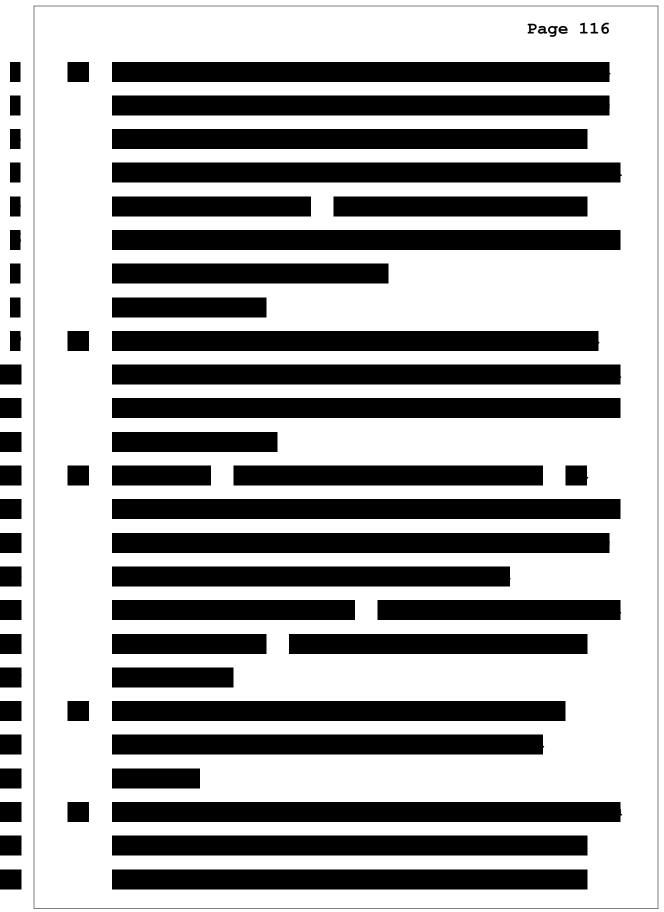


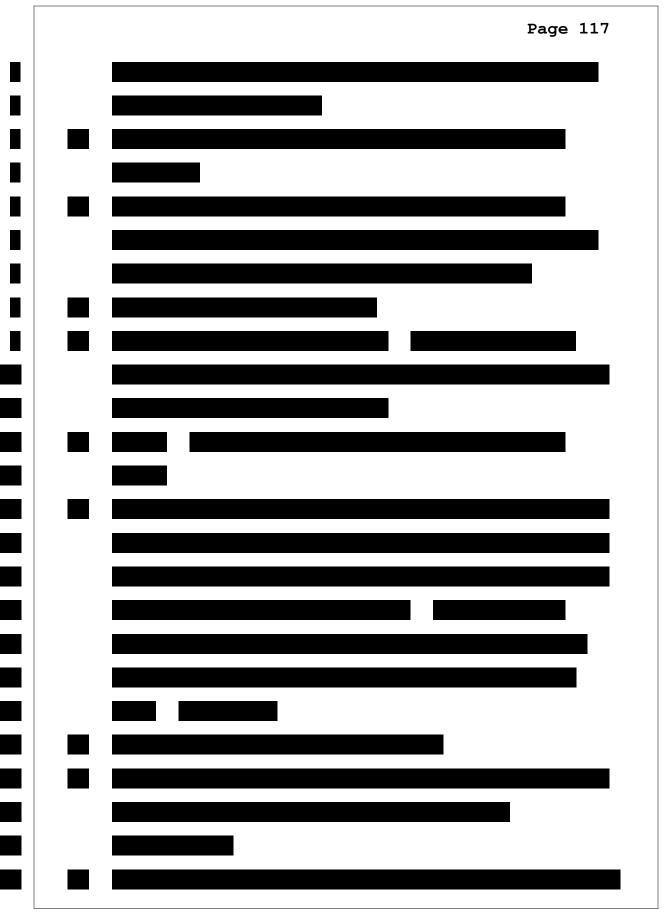


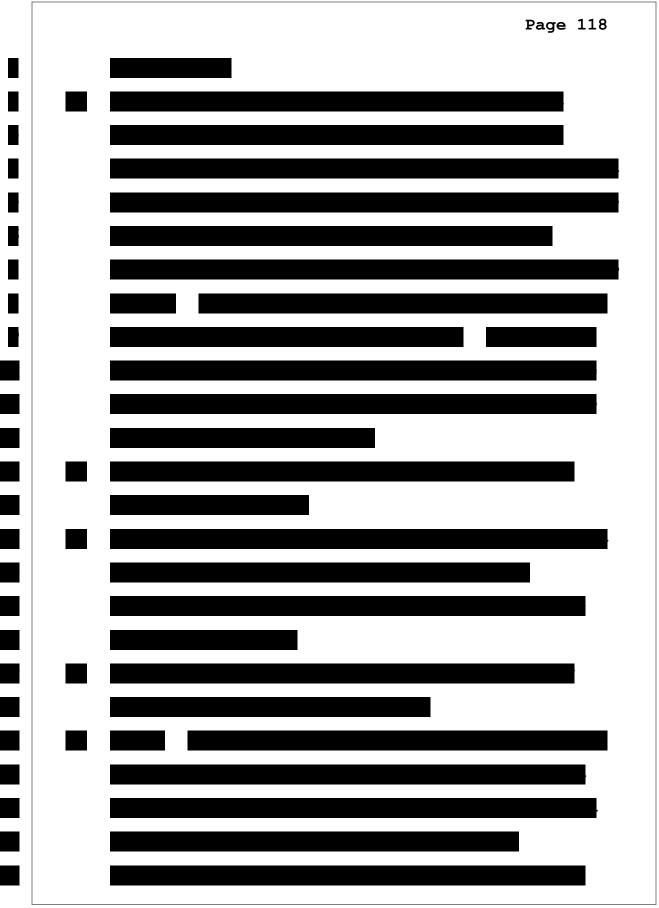


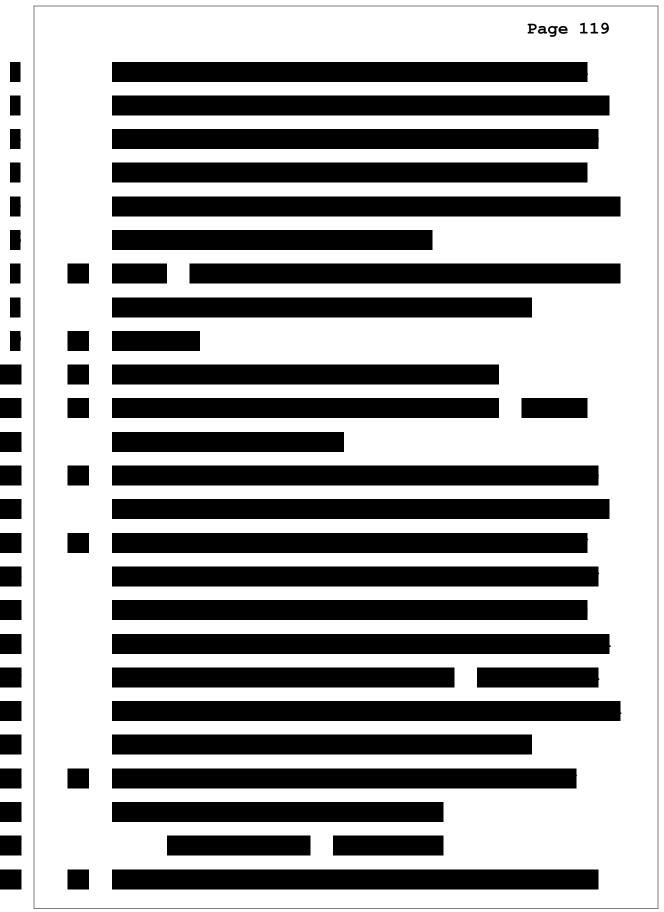


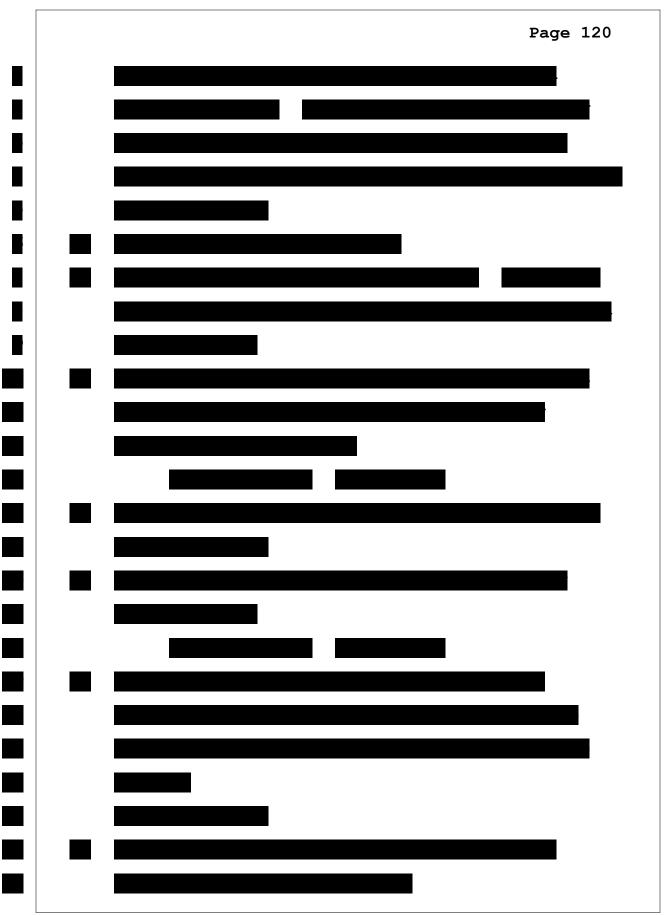


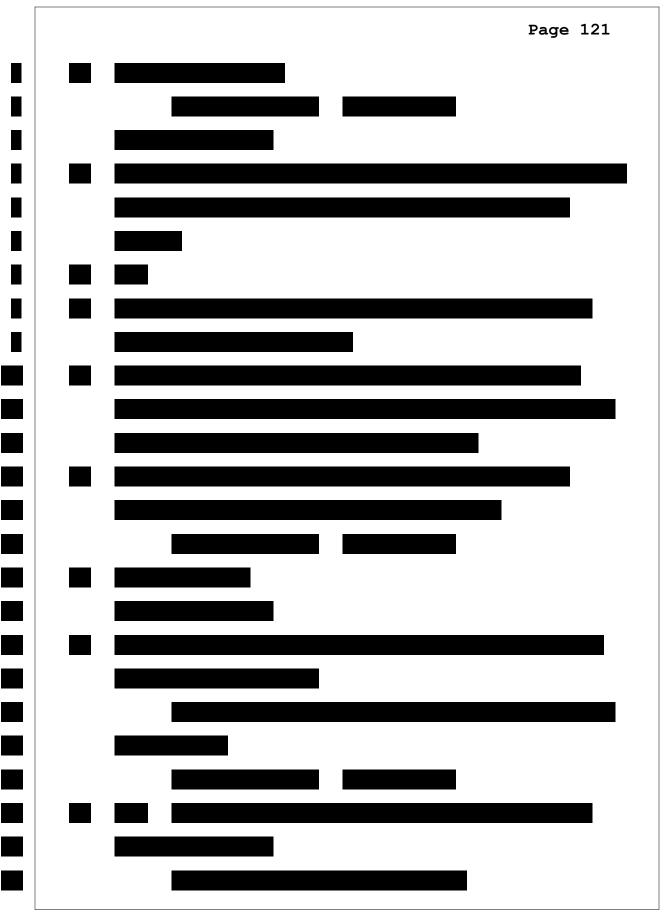


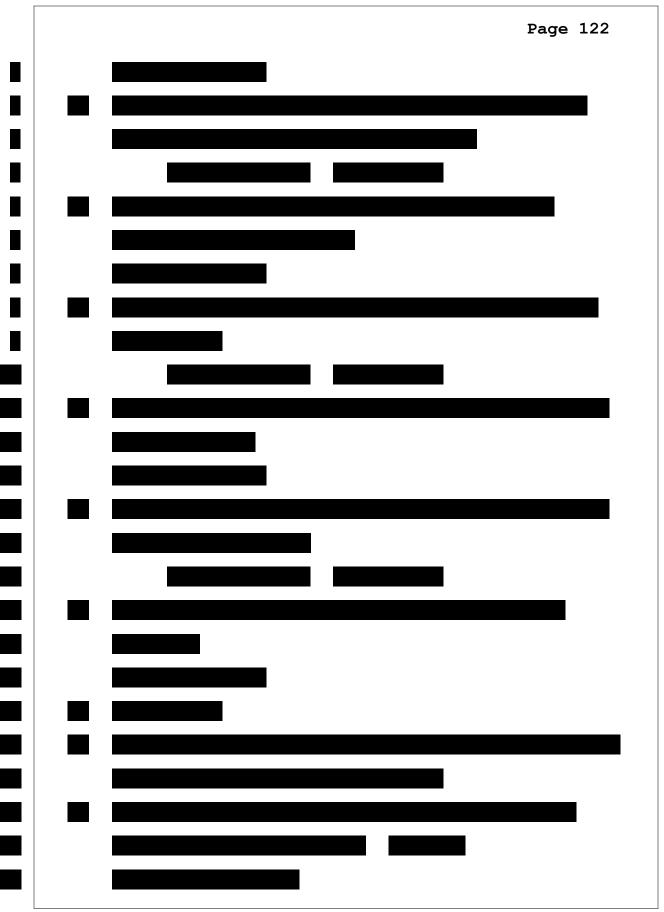


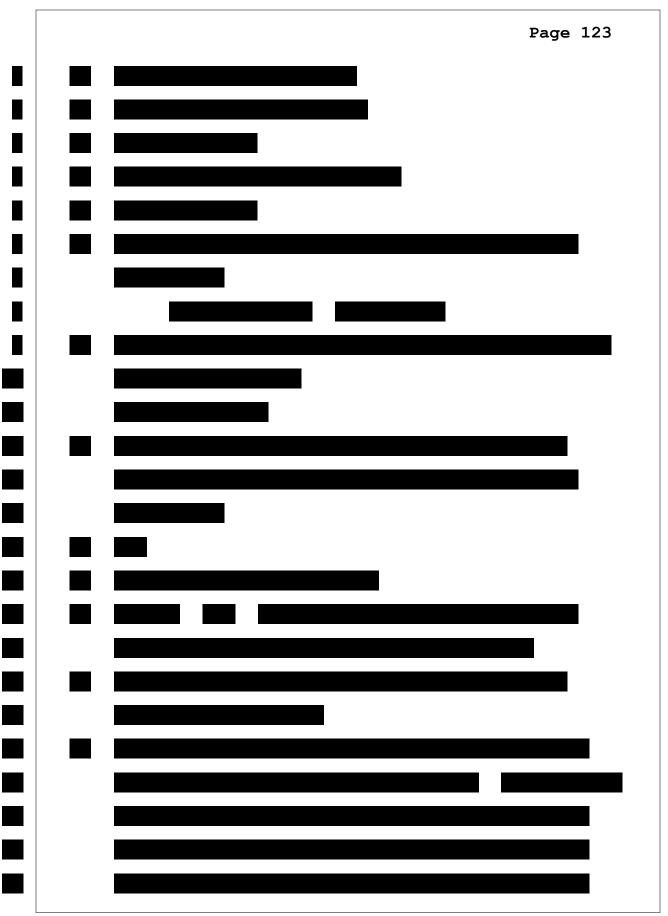


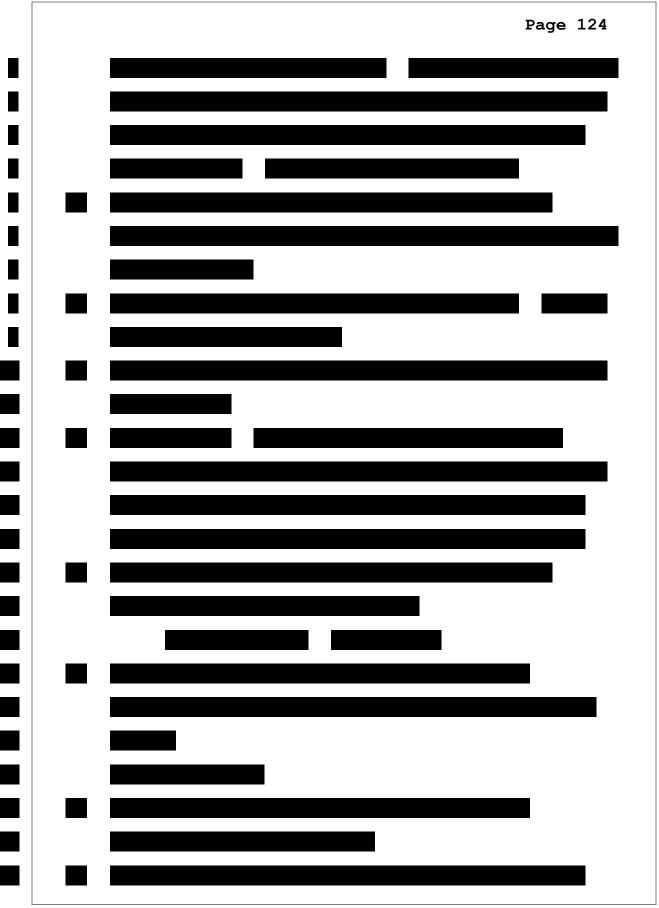


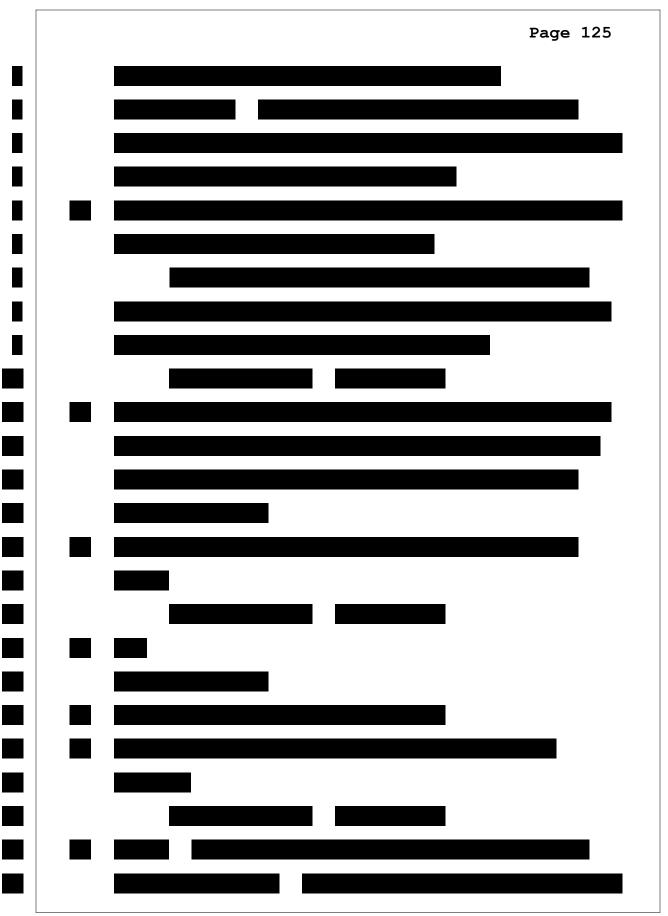


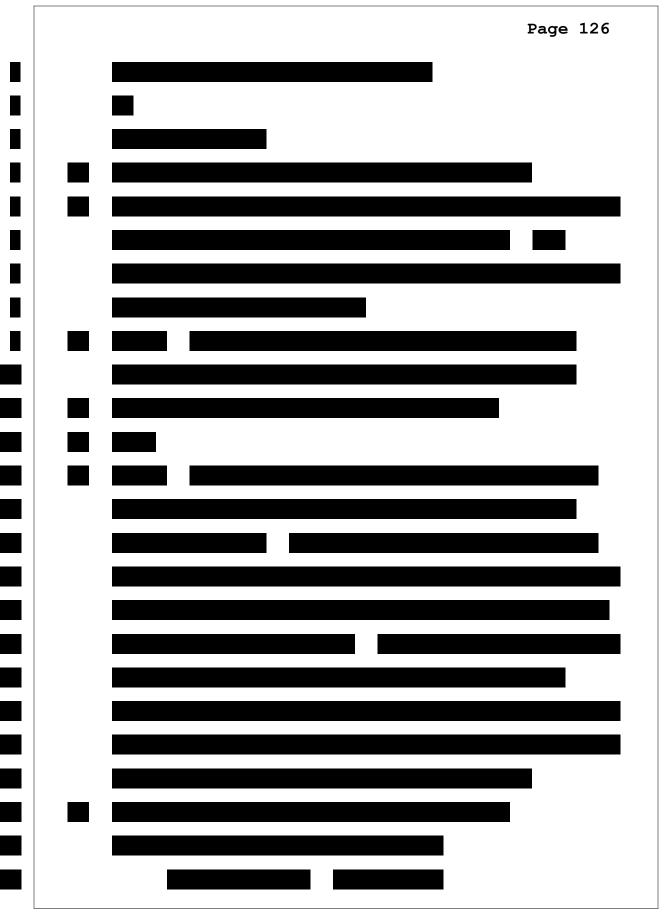


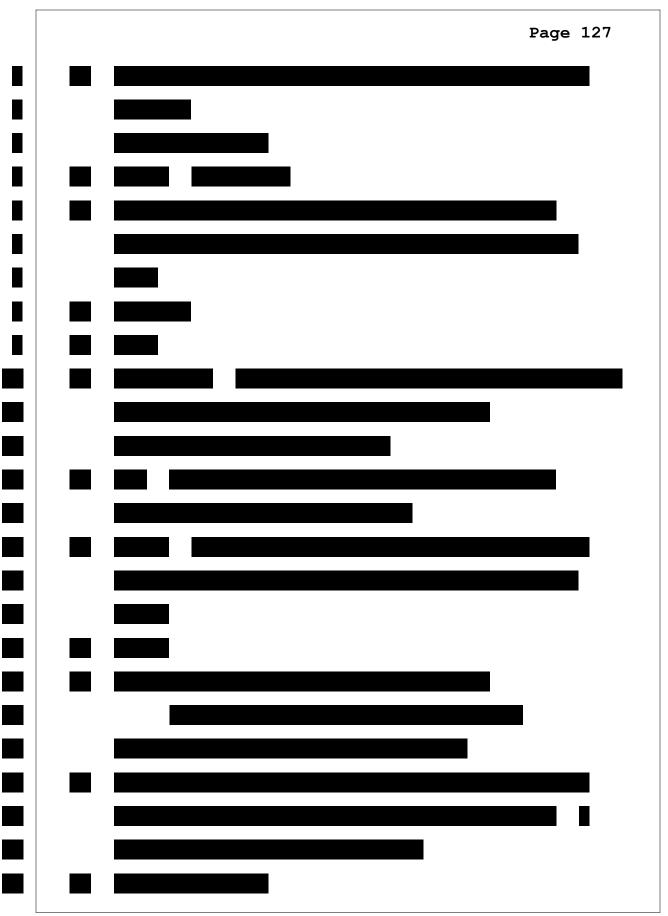


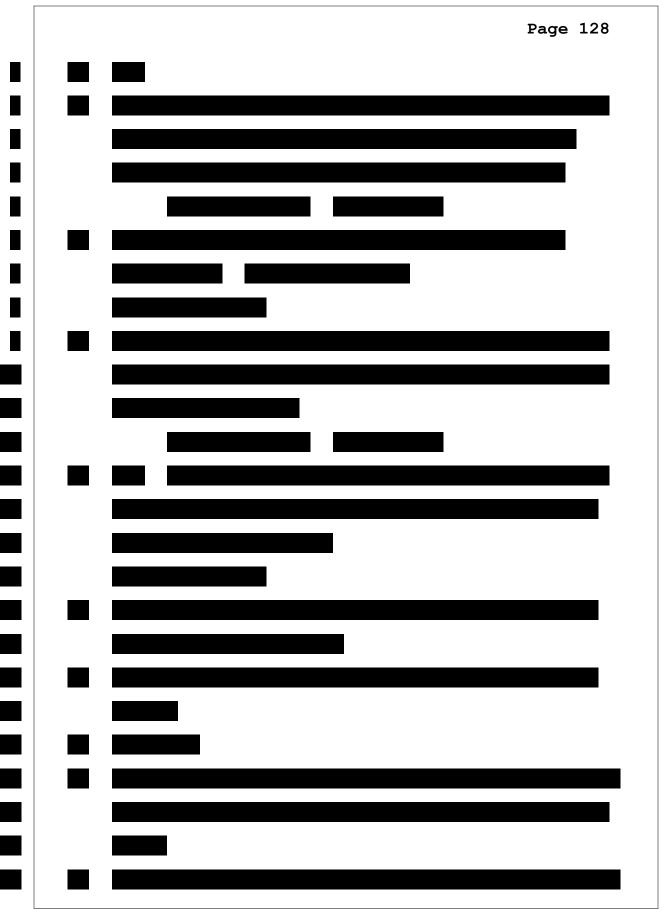


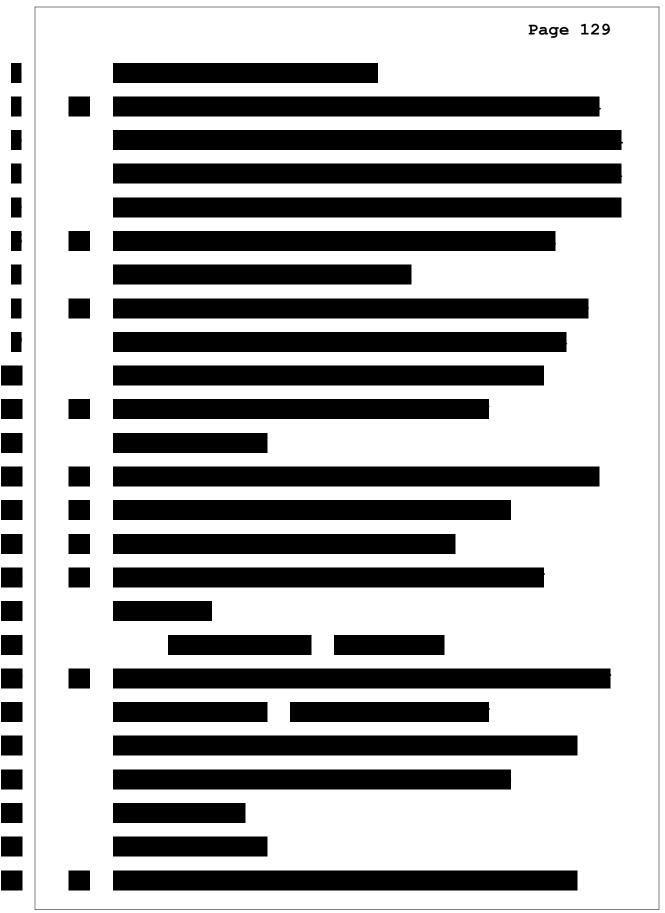


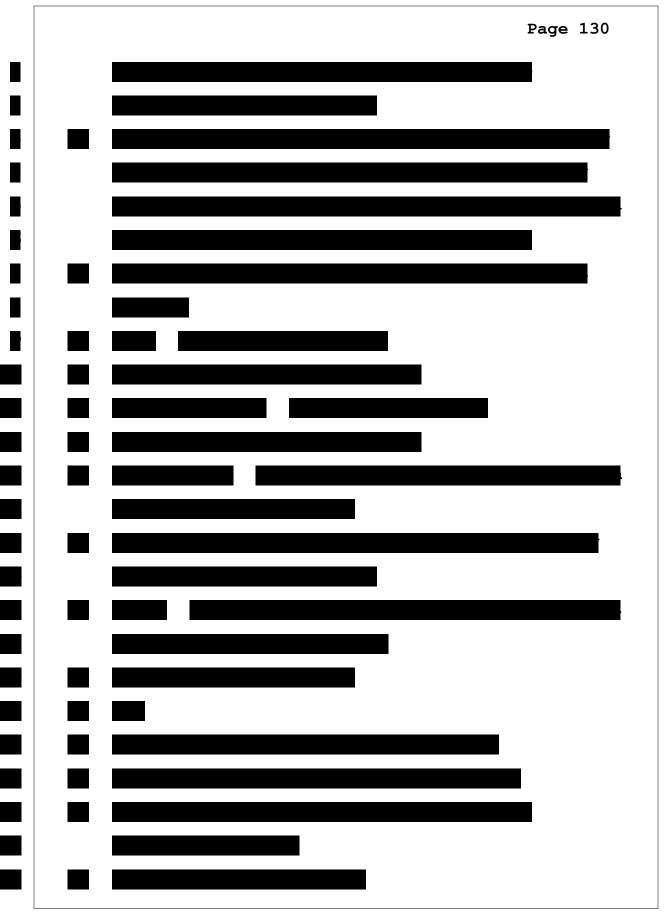


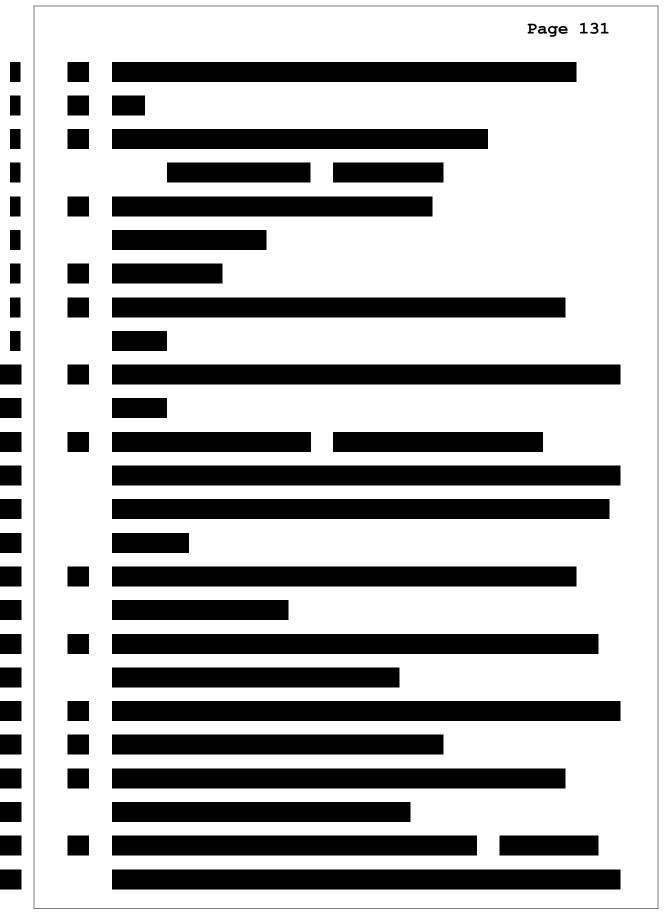


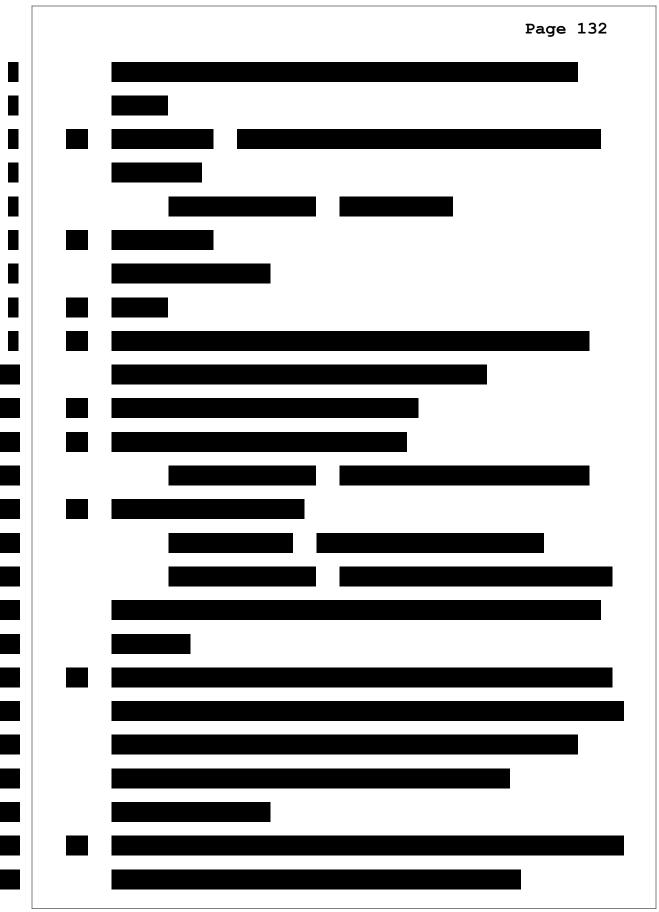




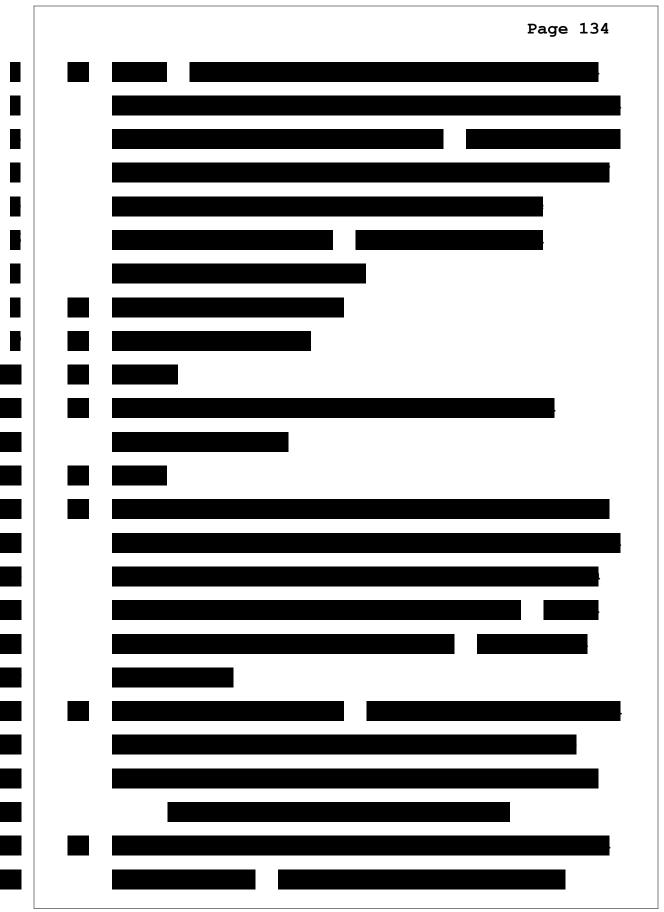


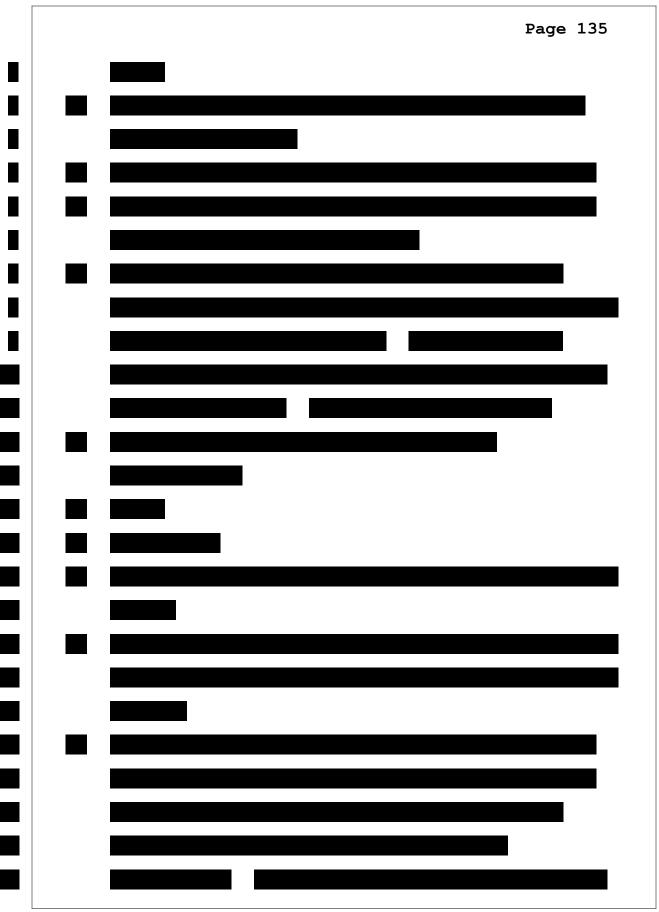


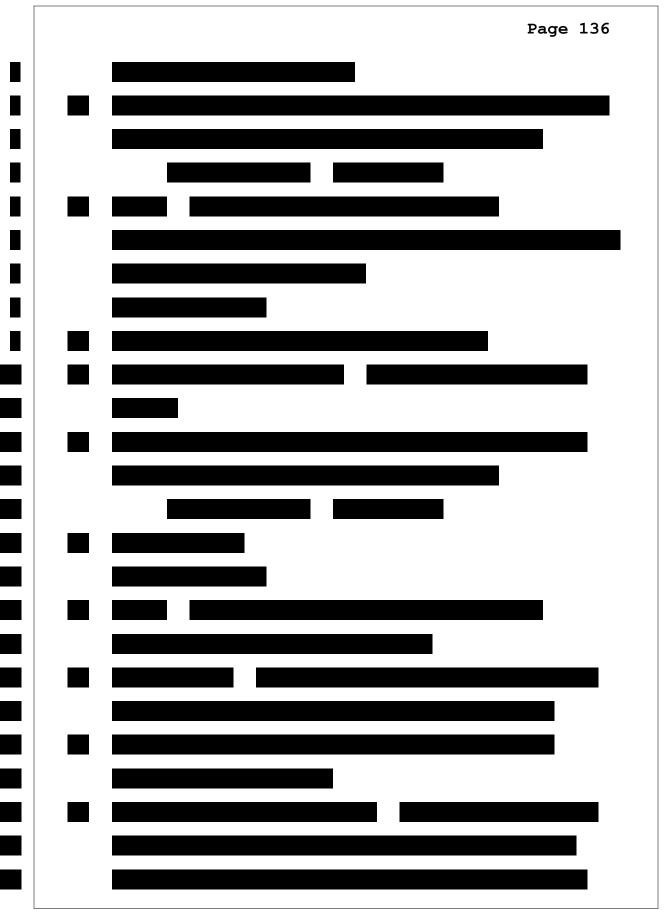




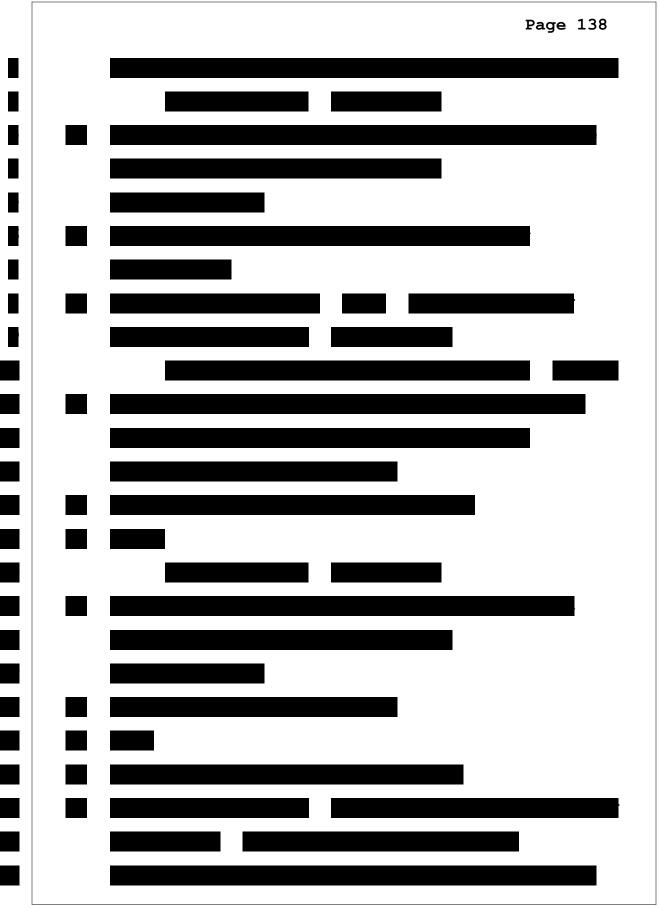
Page 133 5 MR. WILSON: That's probably a good 6 stopping point if you want to break for lunch. 7 THE VIDEOGRAPHER: The time is now 8 approximately 12:34 p.m. Going off the 9 record. 10 (Lunch recess taken.) 11 THE VIDEOGRAPHER: The time is now 12 approximately 1:50 p.m. Going back on the 13 record. 14 MS. JOSELSON: And before we do, Lincoln, 15 I just wanted to put a standing objection on 16 the record to the extent that your questions 17 inquire about medical records beyond or the 18 medical issues beyond the 20 years that the 19 Court allowed. We've just got a standing 20 objection to that throughout the depos. 21 MR. WILSON: Objection's noted. Thanks, 22 Emily. 23 BY MR. WILSON:

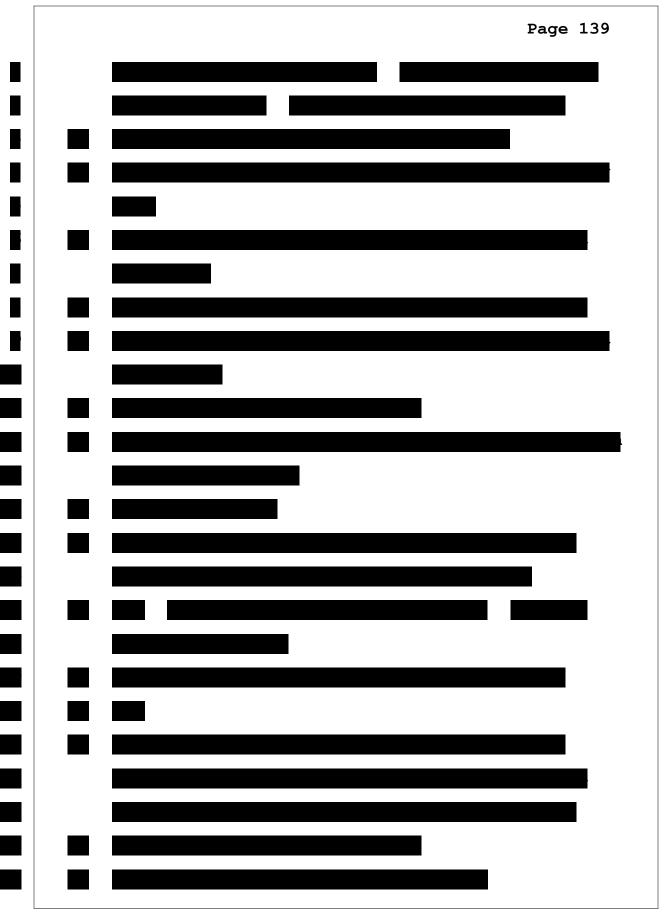


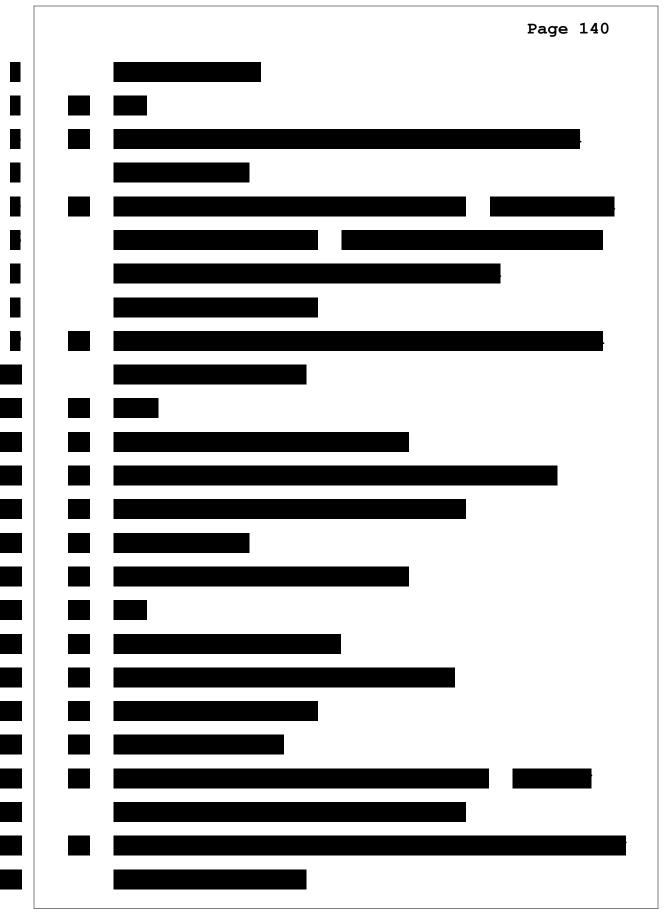


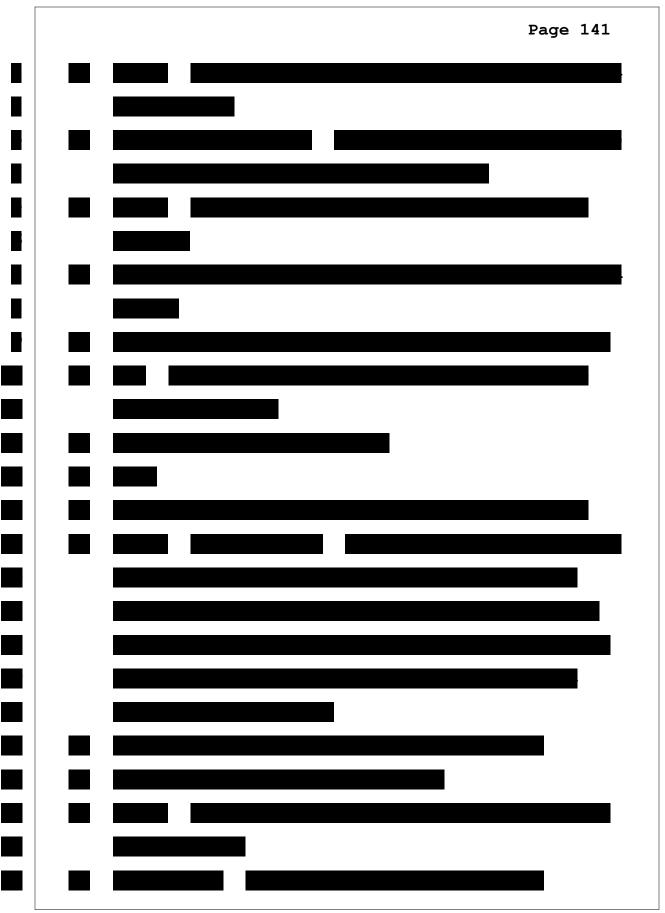


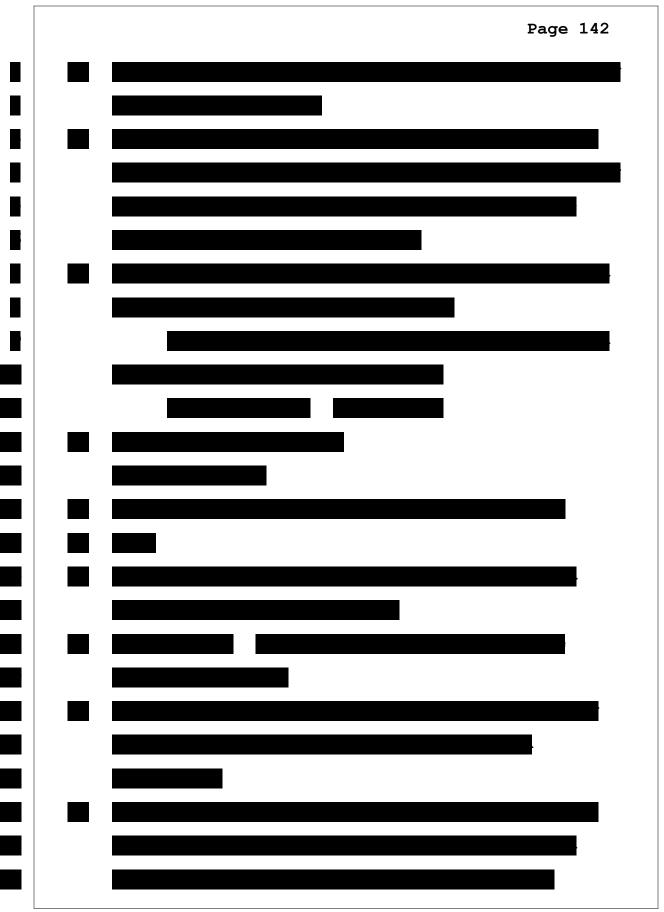




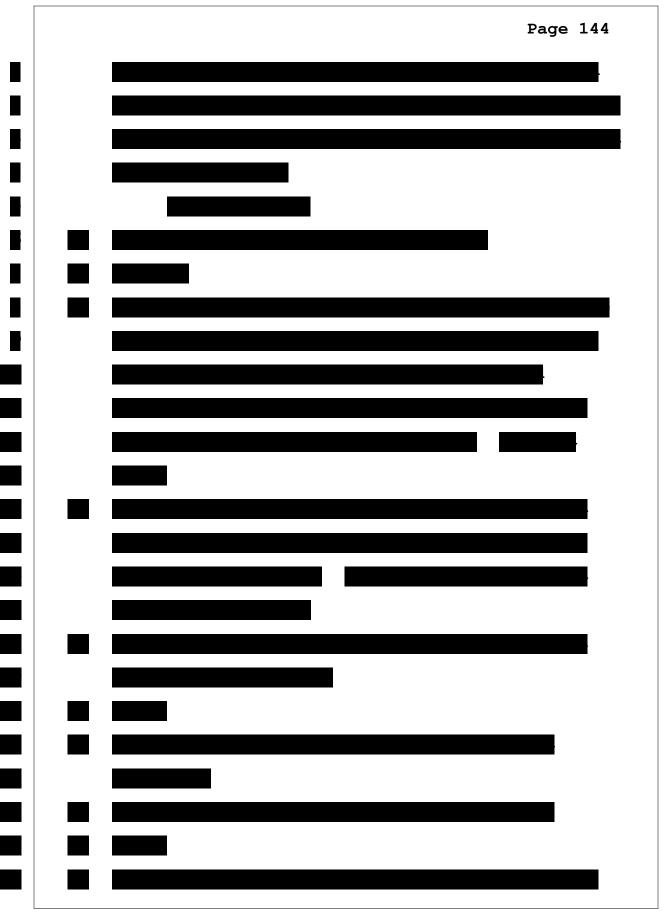








Page 143 1 inherited that from her mother's side of the 2 family. 3 Other than that, I don't know of any. Has your physician told you about any risk of 4 Q. 5 cancer to you based on family history? 6 Α. The increased risk for prostate cancer because 7 of family history, yeah. 8 Has your physician told you about any risk of 0. 9 cancer due to any other factor that's in your 10 life? 11 The only thing that my physician has told me Α. 12 regarding that is recently that we should 13 monitor -- monitor my health for anything 14 related -- that's been -- that's been 15 correlated with PFOA exposure. 16 Have you had any cancer scares, if you -- if Ο. 17 you understand what that would mean? 18 MS. JOSELSON: Object to the form. 19 BY MR. WILSON: 20 Moments where you had some symptoms that you Q. 21 thought, oh, what if this is cancer, and you 22 looked, checked it out and turned out not to 23 be? 24 Α. No. 25 0. So speaking of your -- your blood relatives,





Page 146 7 MR. WILSON: My apologies. Just trying 8 to find a -- what are we up to on exhibits? 9 MS. JOSELSON: 8. 10 (Deposition Exhibit No. 8 was marked for 11 identification.) 12 BY MR. WILSON: 13 Q. The court reporter's handed you what's been 14 marked Exhibit 8 to your deposition. 15 Can you tell me what this is? 16 Not easily but Declaration of James D. 17 Sullivan In Support of Plaintiff's Motion For Class Certification. 18 19 Q. Do you recognize it? 20 Α. Yes. 21 Q. What role did you have in preparing this 22 document? 23 I met with my attorneys, I reviewed the Α. 24 document and provided them information for 25 it -- for the preparation of it.

Page 147 1 Did you review it before you signed it? 2 Α. Oh, yes. 3 And you understand that everything -- that you 0. swore that everything in this document is 4 5 true; is that correct? 6 Α. Yes. 7 Do you understand yourself to be representing Q. 8 the exposure class in this action? 9 MS. JOSELSON: Objection. 10 But you can answer. 11 I certainly represent -- understand myself to Α. 12 be representing the -- the class of residents 13 who've been exposed to PFOA, yes. 14 BY MR. WILSON: 15 And do you understand yourself to be Q. 16 representing the property damage class in this 17 action? 18 Oh, yeah. Yes. Α. 19 So just noticing sort of a difference in how Q. 20 you responded to those two questions, do you 21 consider yourself to be more interested in the 22 property class or better representative of the 23 property class than the exposure class? 24 MS. JOSELSON: Objection.

No, I think it's just the first question I

Α.

Page 148 1 wasn't quite sure about the meaning and the 2 term exposure class. BY MR. WILSON: 3 So what -- can you tell me your understanding 4 Q. 5 of what this lawsuit is about? A. 6 Sure. The -- the lawsuit is -- is about 7 damages suffered by people in the North 8 Bennington, Bennington area resulting from 9 exposure to PFOA that was released over the 10 years from the former ChemFab, slash, 11 Saint-Gobain factory in North Bennington. 12 And what's your understanding of what the Q. 13 lawsuit alleges that Saint-Gobain did that was 14 wrong? 15 Saint-Gobain released a harmful chemical into Α. 16 the environment that affected the environment, 17 soils, groundwater, individual people and 18 their properties. 19 Q. And what do you understand to be the relief 20 that you're asking the court to provide? 21 Α. Relief that we're looking for deals 22 specifically with ongoing medical monitoring 23 to be paid by the plaintiff, to monitor

exposure and also the loss in the value of the

potential health effects resulting from

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- property and enjoyment of our property and also the -- the -- the disrupt and kind of distress caused by the situation that we've been exposed to.
- Q. What do you understand to be your duty or duties as a representative of the putative class?
- A. You know, to work with the -- work with the legal team to make sure that all of the -- the facts are presented thoroughly and fairly and to, you know, to appear in proceedings like this to -- to make sure that, you know, we're doing everything that is required of us.
- Q. What made you decide to file this lawsuit?
- A. Well, there was a, you know, a concern about the effect that PFOA had on us and our neighbors and other people in the community, and just wanting to try to recover from the impacts of that.
- Q. Did you reach out to an attorney about filing this lawsuit, or did an attorney reach out to you?
- A. I -- if I recall right, I -- I contacted an attorney shortly after I discovered that our neighborhood had been impacted.

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- Q. And just to be clear, I'm not asking you to divulge any communications that you've had with any of your attorneys. That's protected by attorney/client privilege.
- A. Mm-hmm.

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- Q. Which attorney did you contact after you had these concerns?
 - A. I believe that I contacted David Silver initially.
 - Q. And I notice on the caption to this case it lists your name first.

Did you have any -- is there any significance to that? Did you have any role in being -- leading the charge, as it were, in this lawsuit?

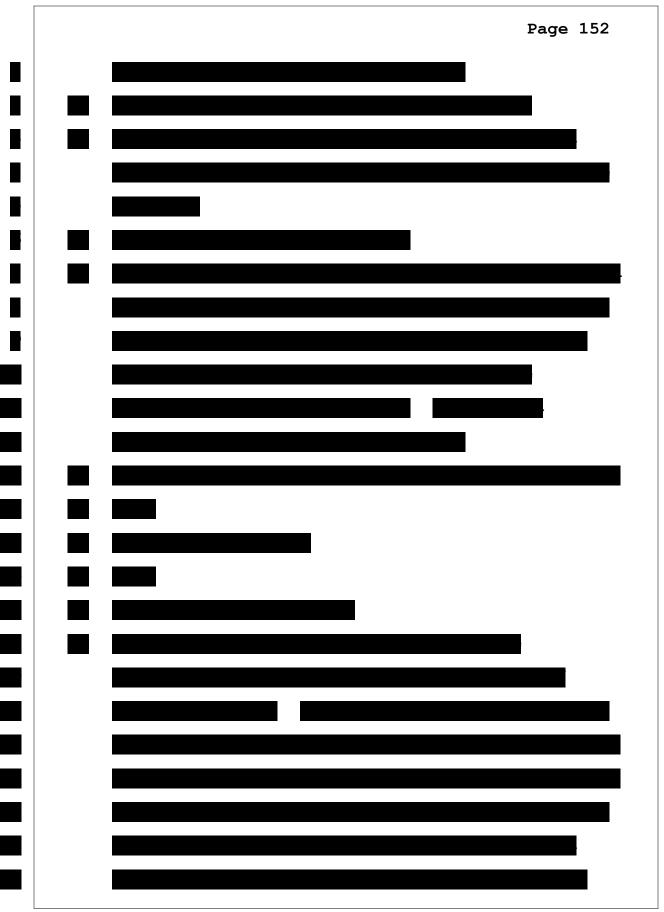
MS. JOSELSON: Objection.

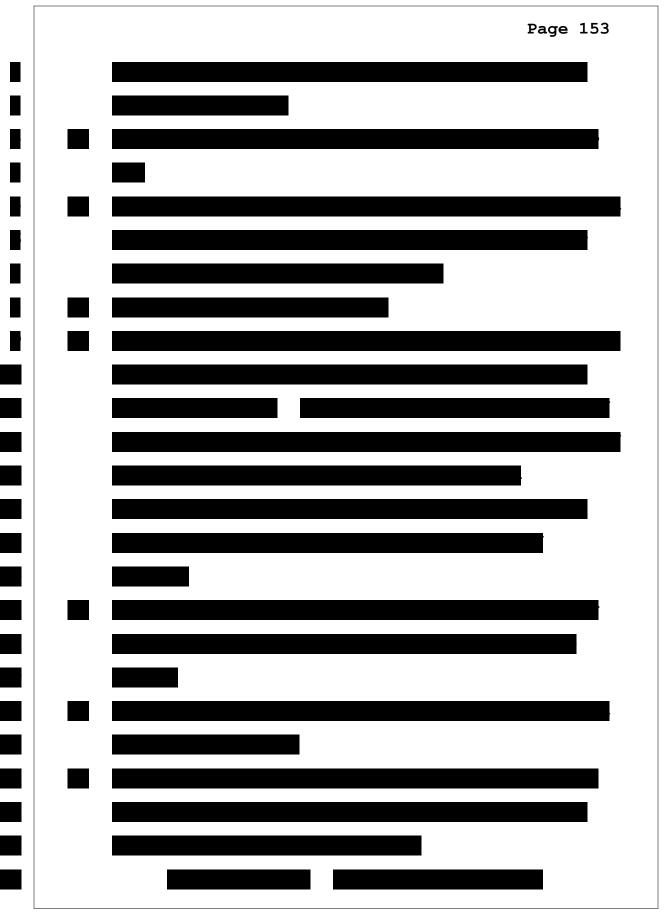
- A. Not that I know of.
- 18 BY MR. WILSON:
- 19 Q. Not that you know of.

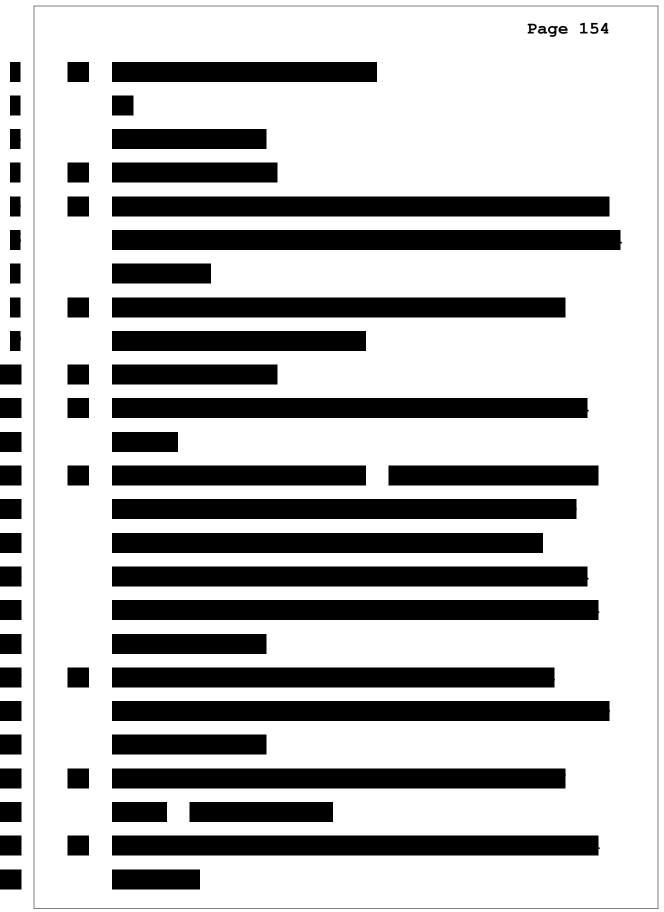
20 Are you flattered that you're the first 21 plaintiff listed on the caption?

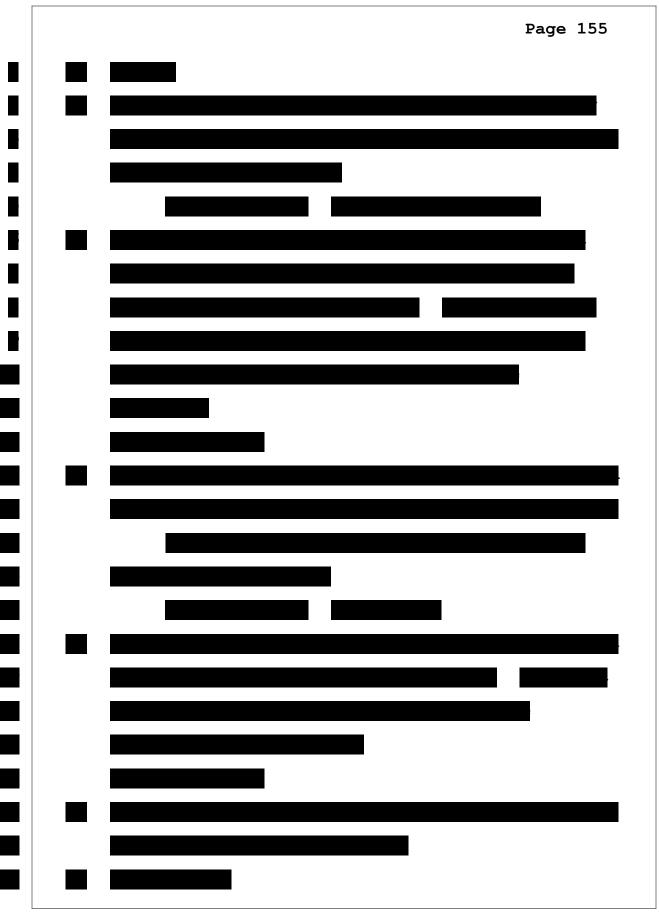
- MS. JOSELSON: Objection.
- A. I would have to say no, that's not something that I find flattering.
- MR. SILVER: It was -- we listed it by

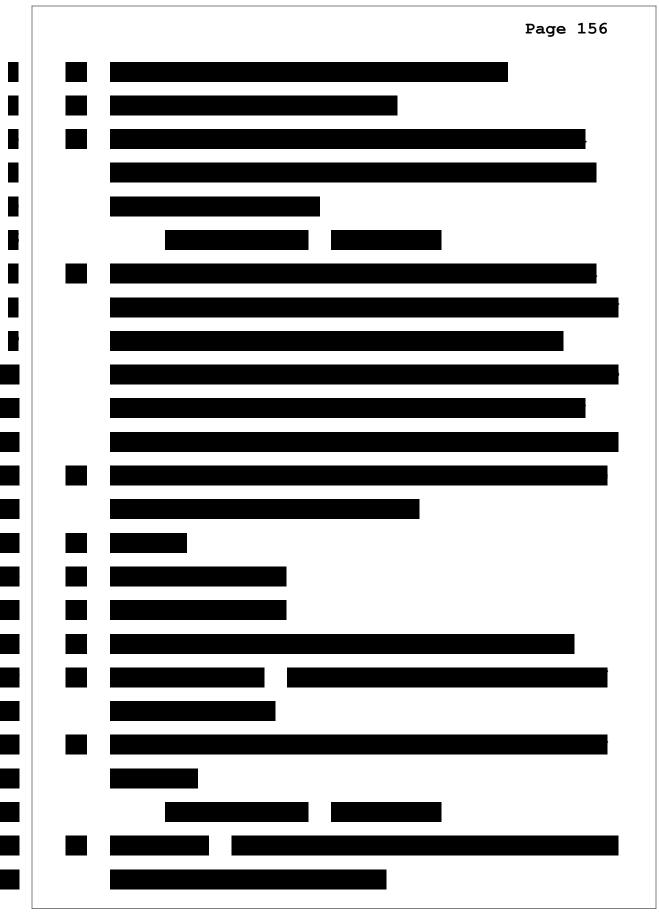
	Page 151
1	weight.
2	MS. JOSELSON: So unnecessarily mean.
3	MR. WILSON: Didn't want to go off the
4	record for that?
5	THE WITNESS: I won't contact you first
6	again.
7	MR. WILSON: Yeah. You contacted the
8	wrong attorney. Okay.
9	BY MR. WILSON:

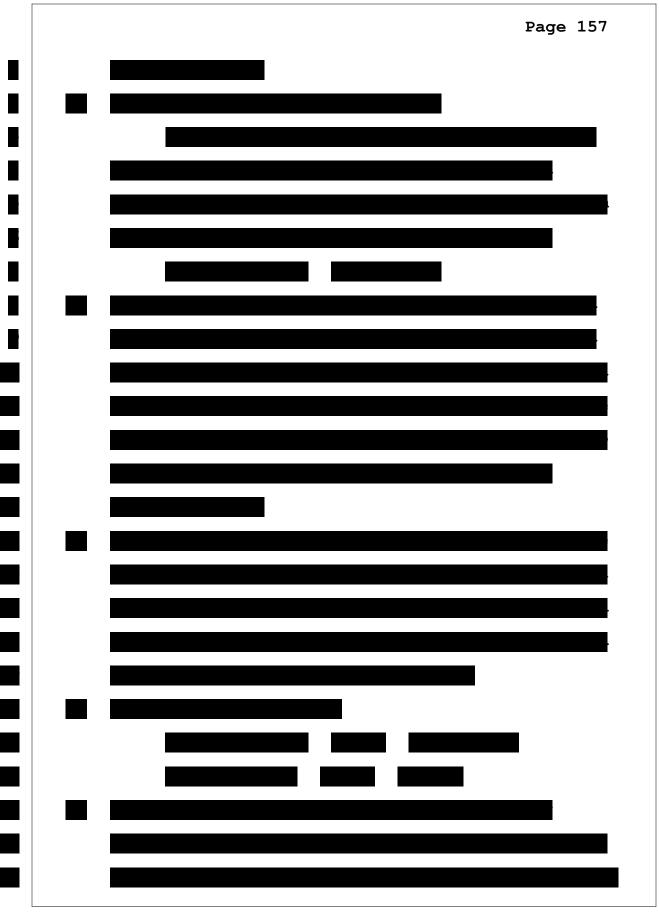


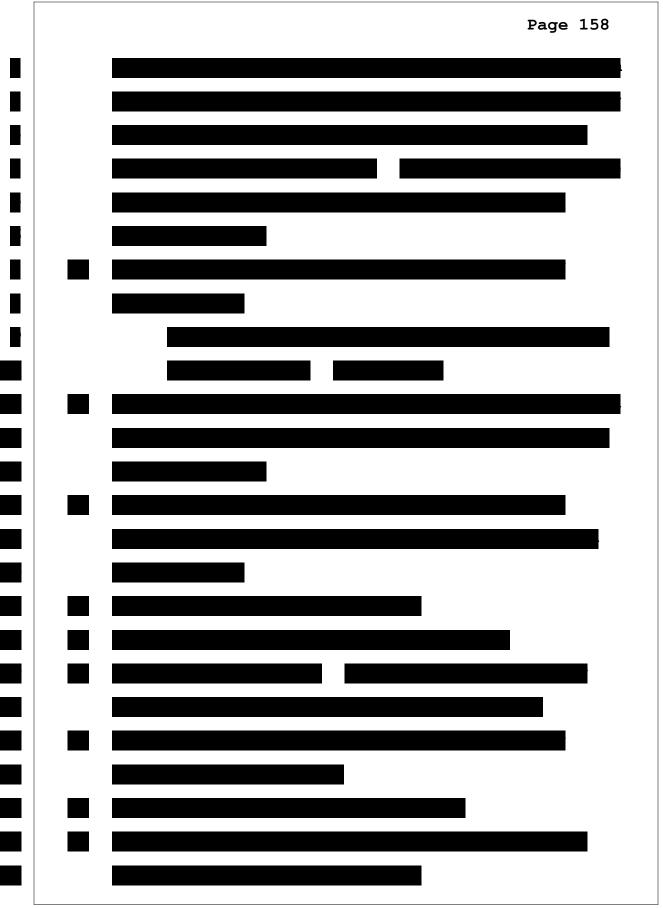


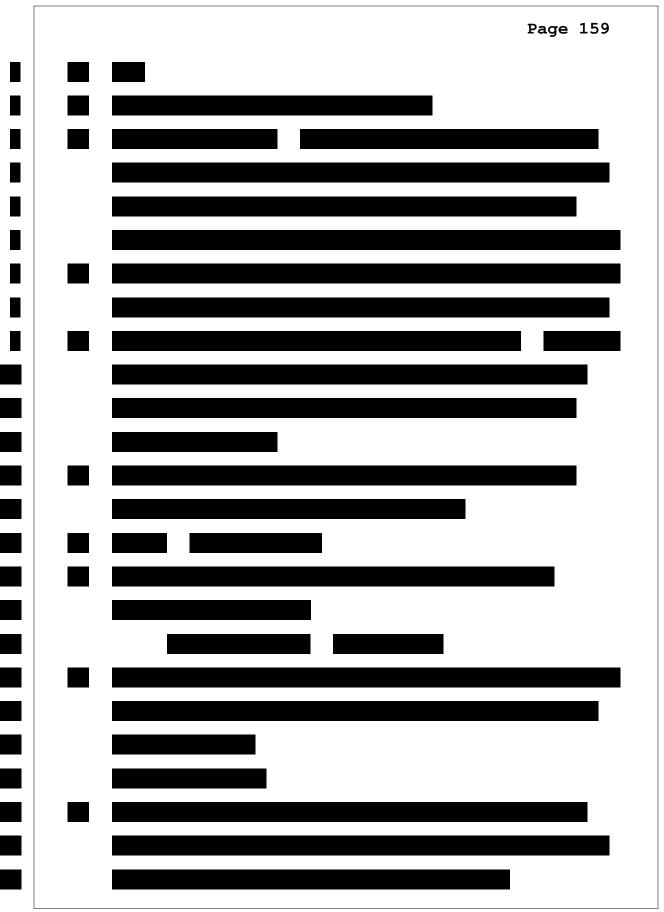


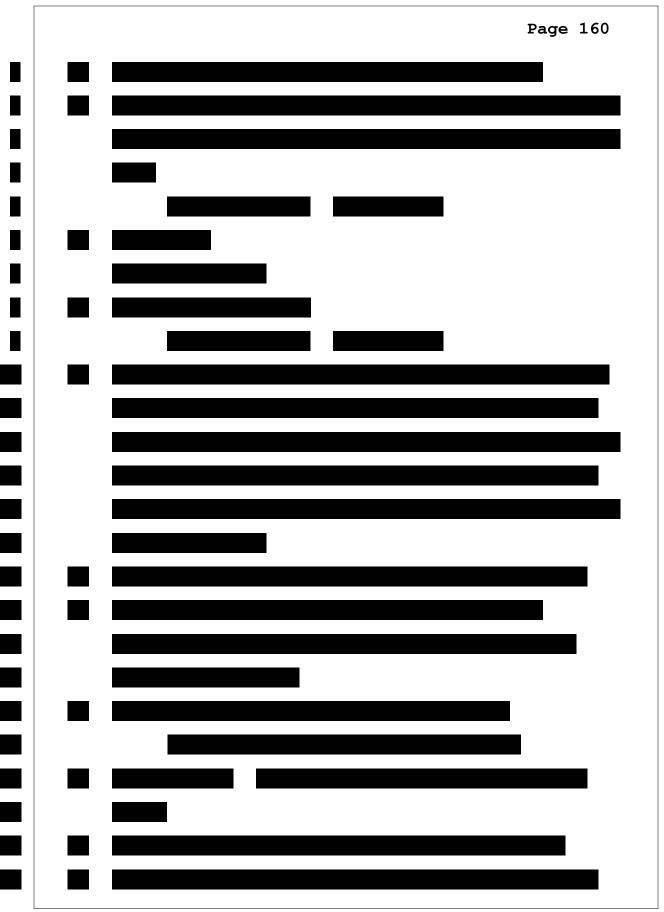




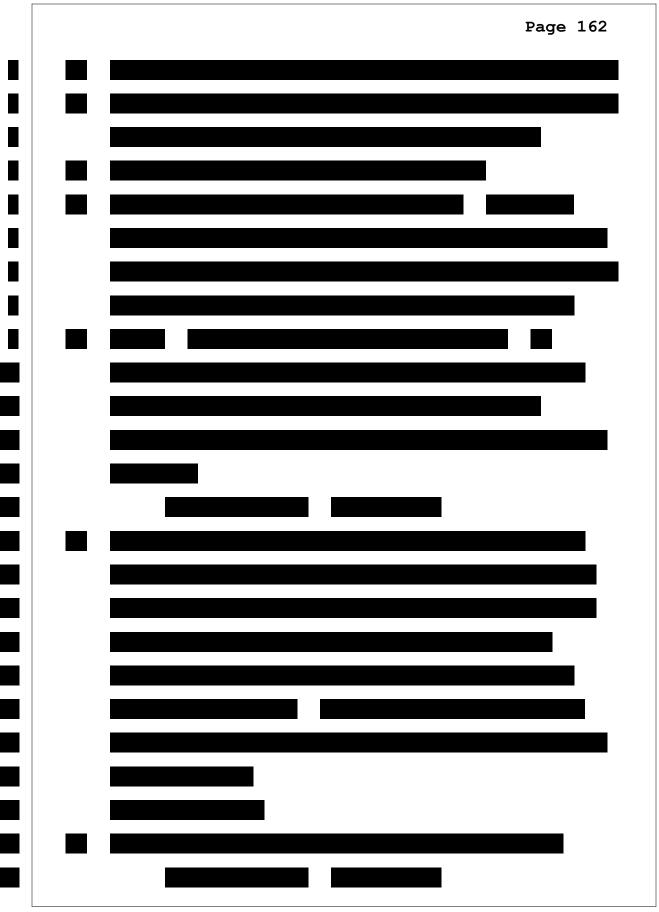


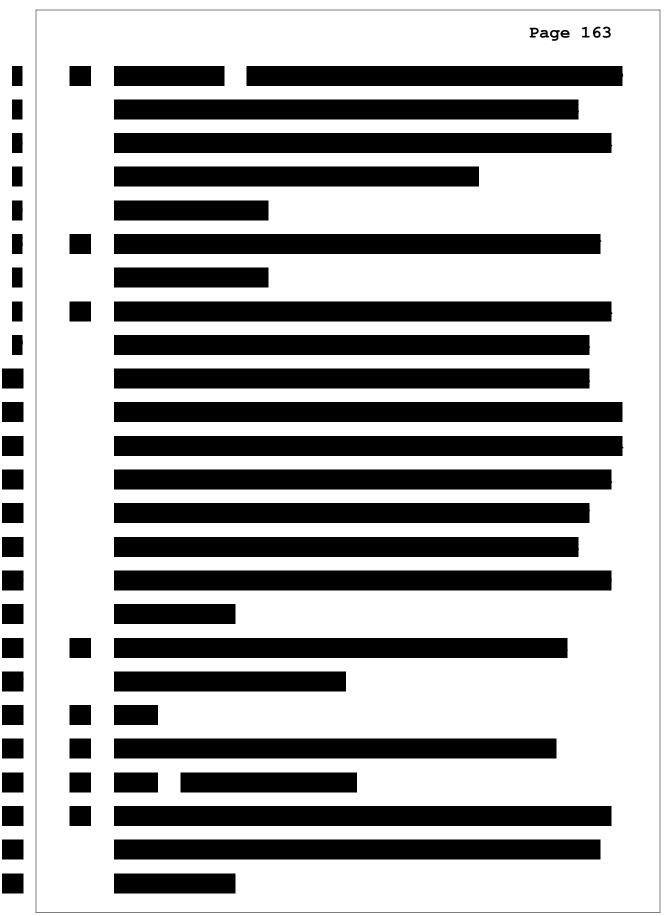


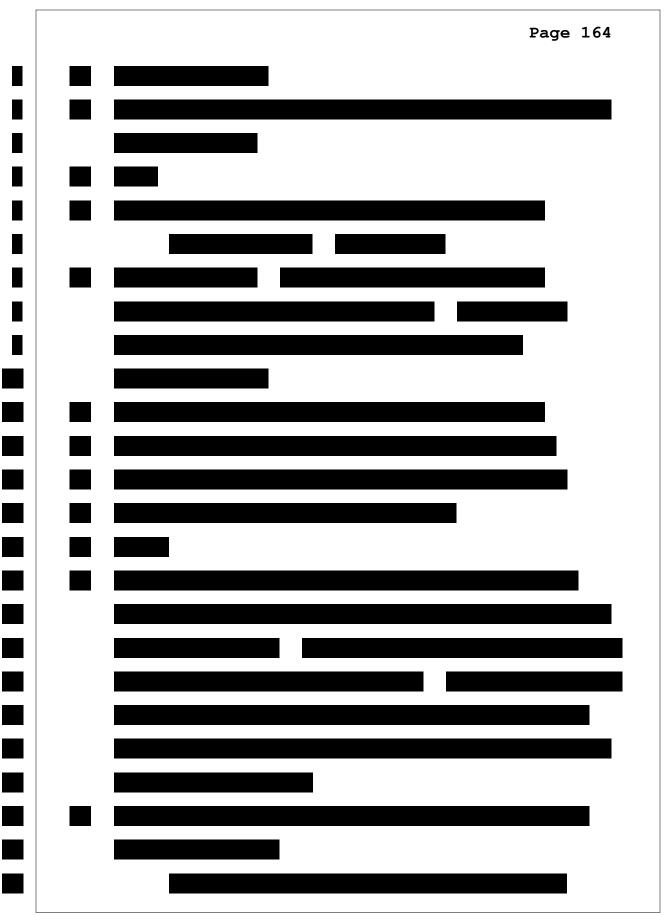




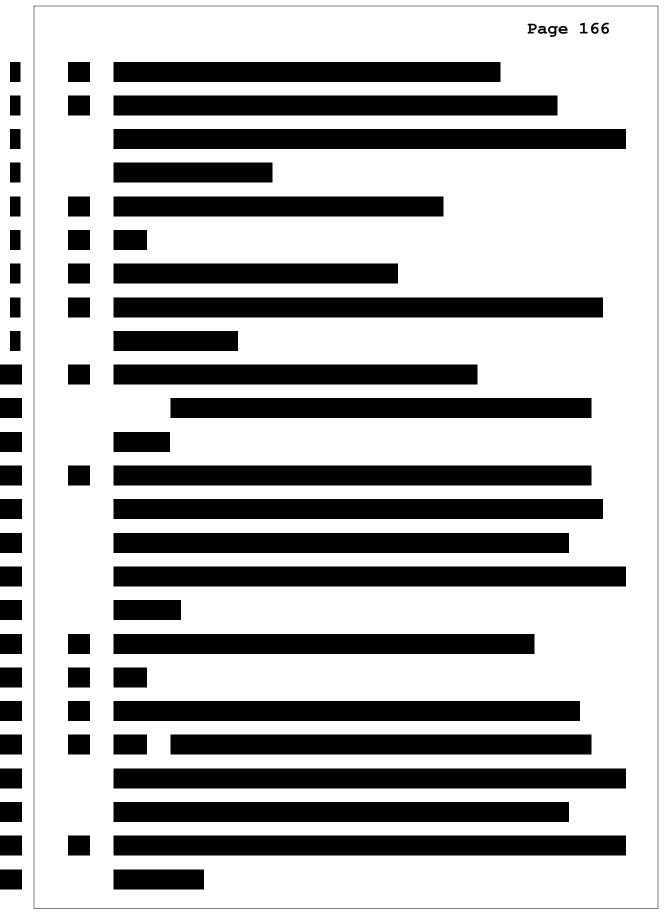


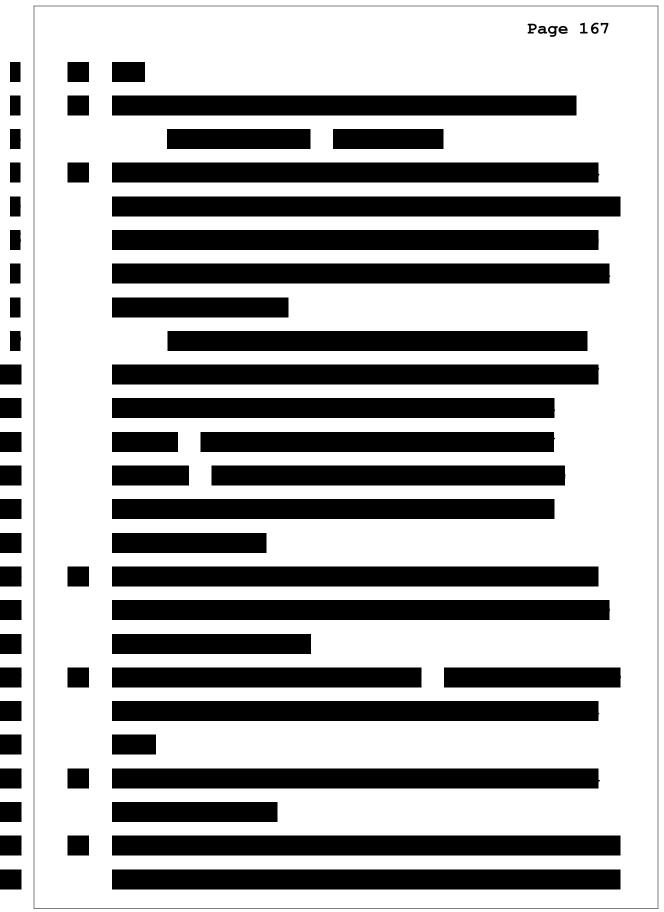


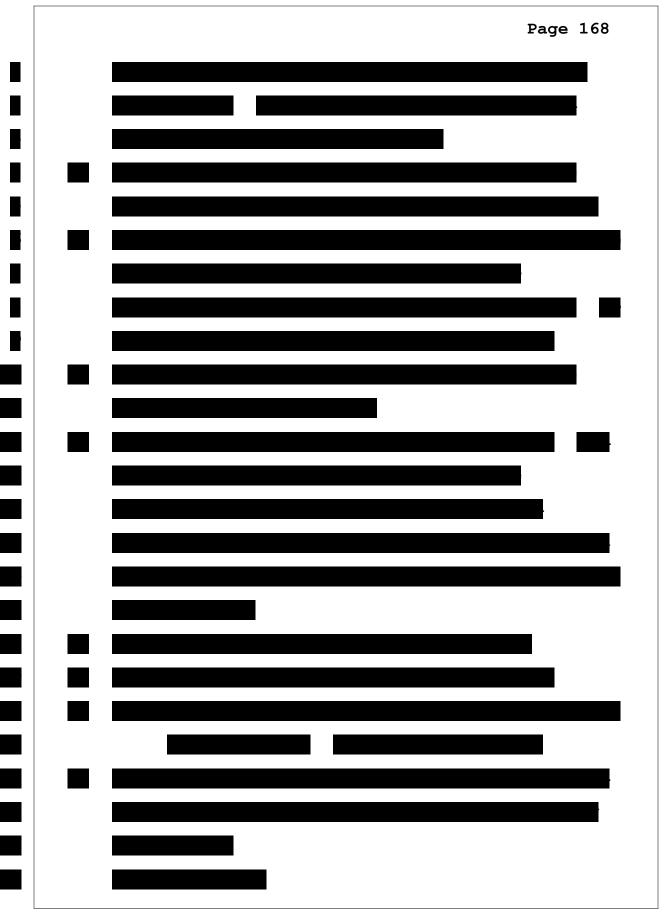


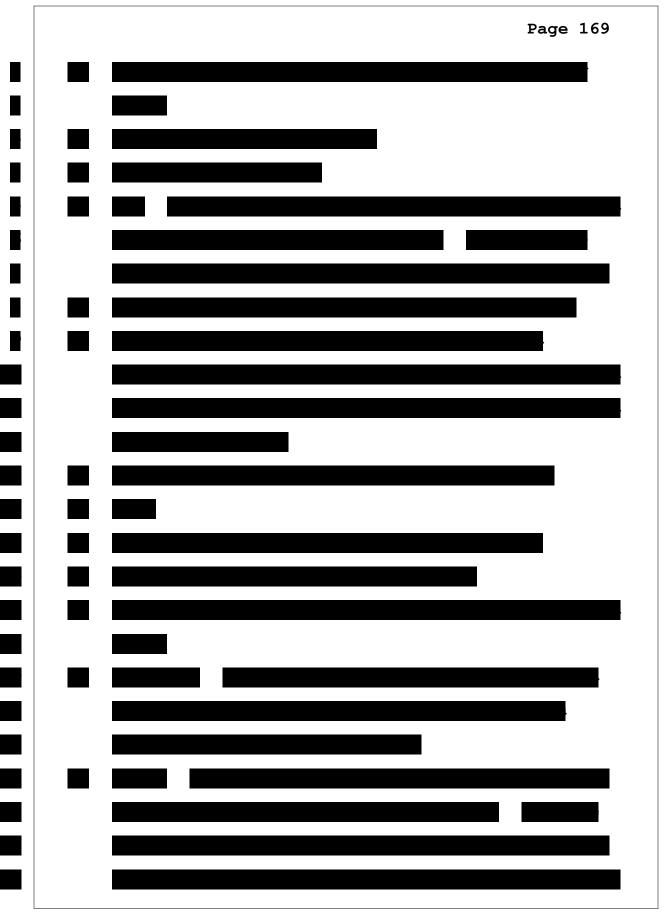


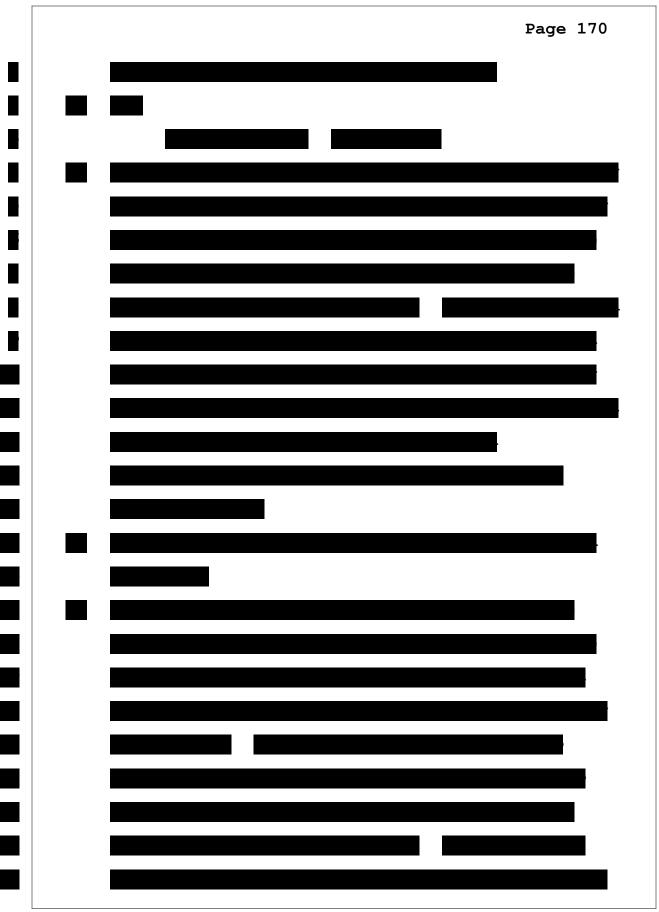


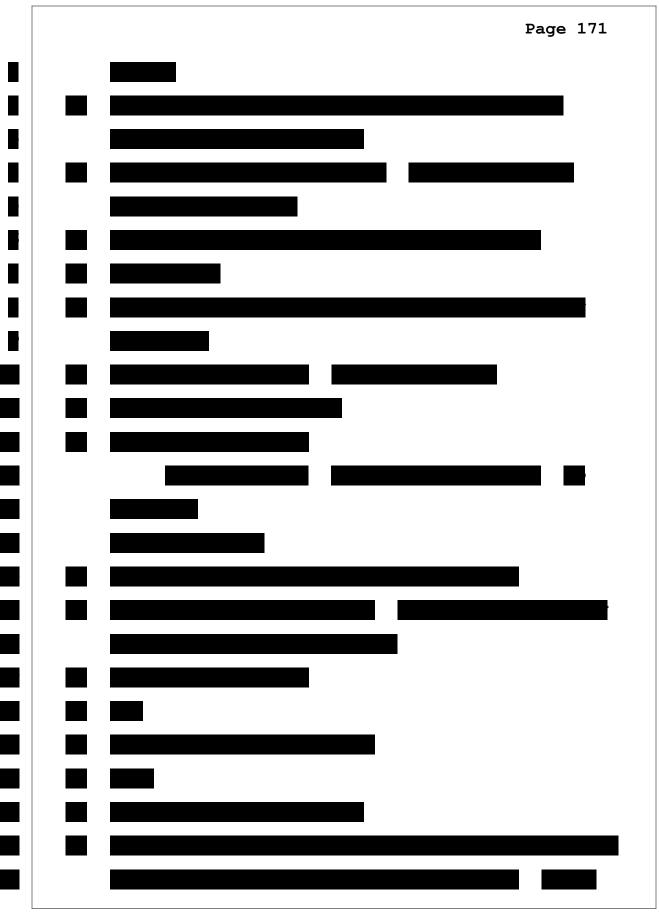


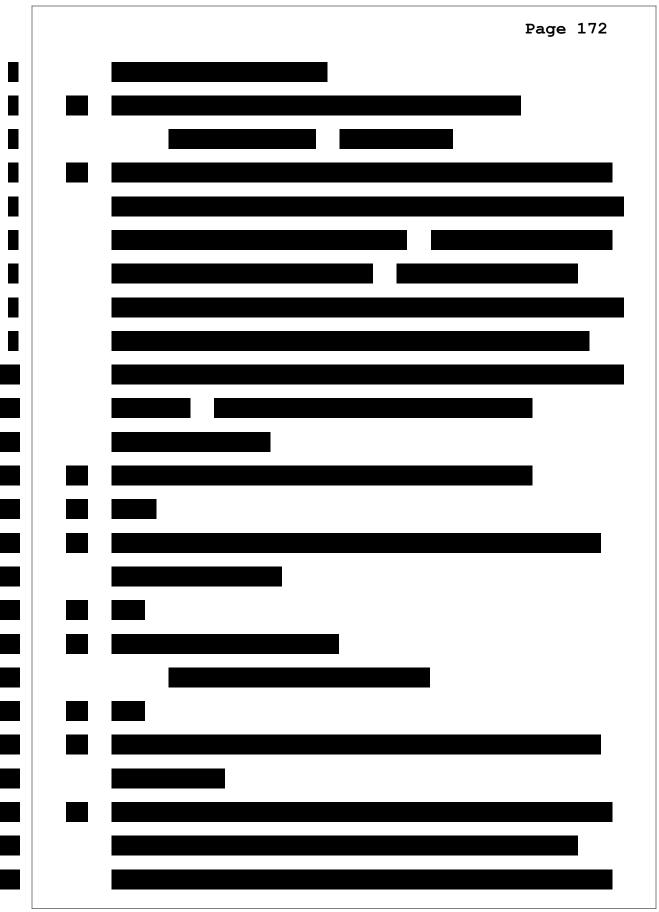


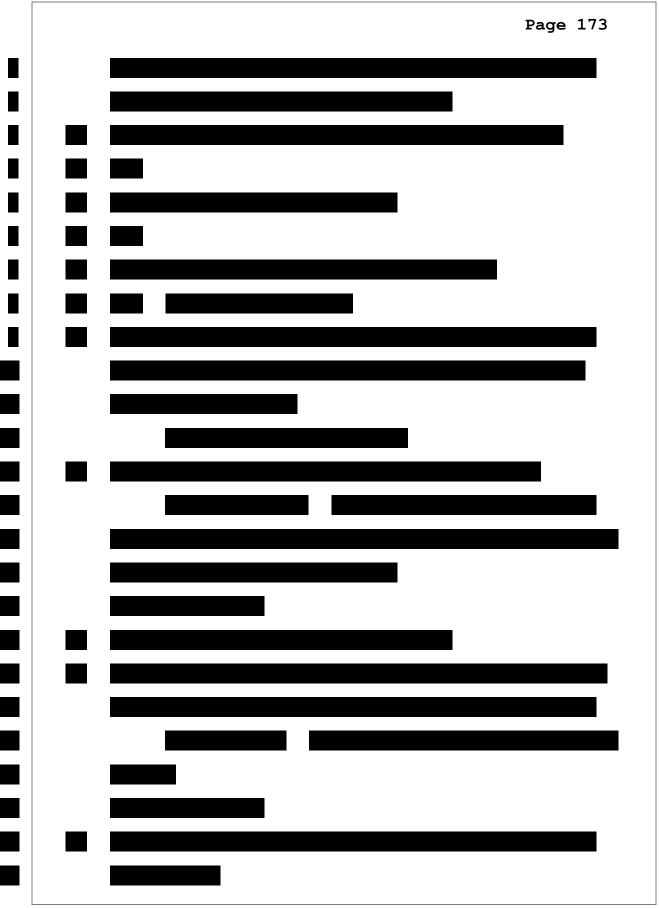


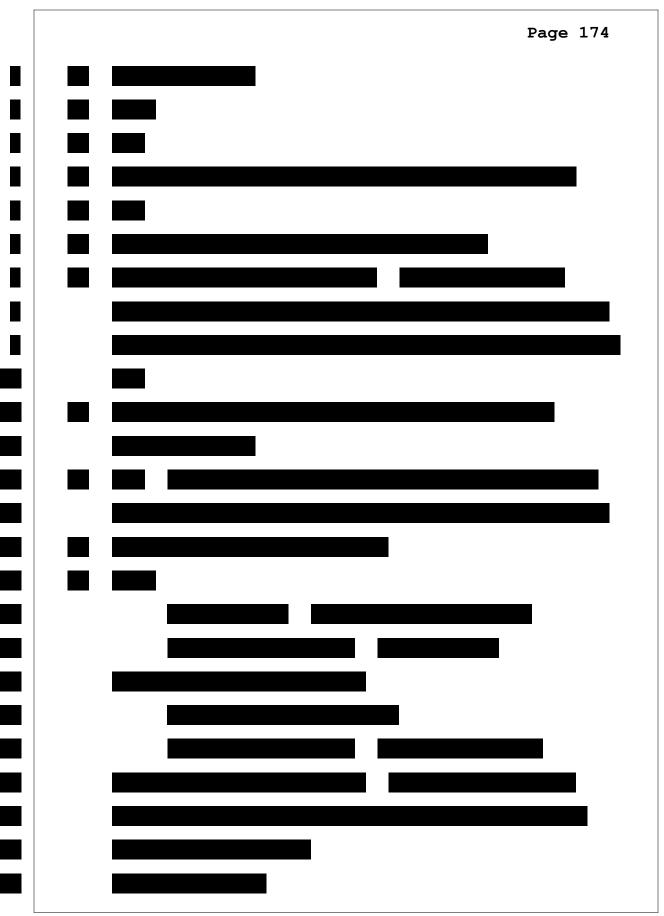


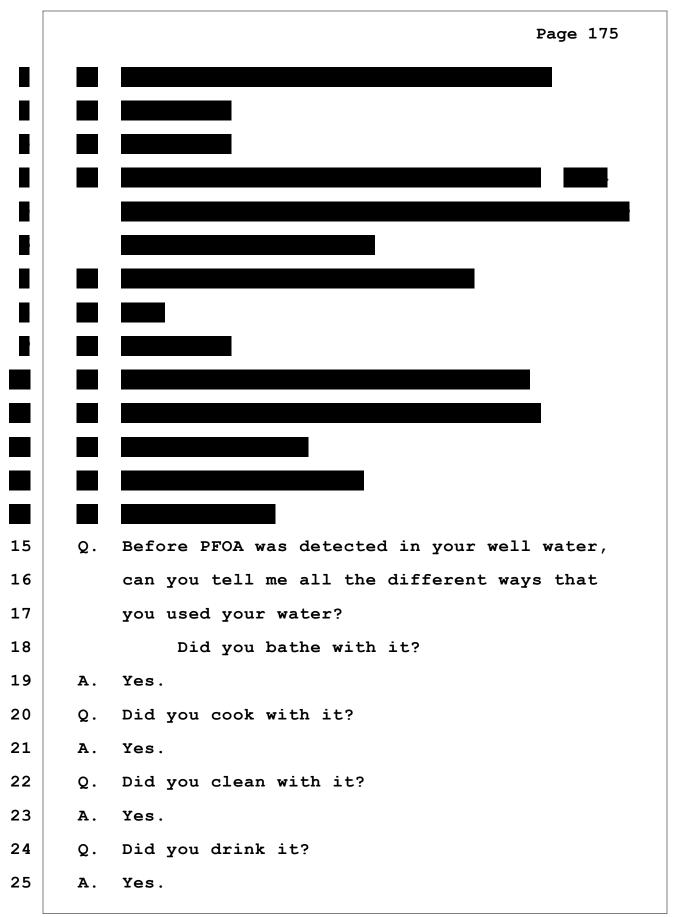












Page 176

- Q. Did you water your lawn or other plants?
- A. Watered mostly the garden. Generally don't water my lawn.
 - Q. Any other uses?

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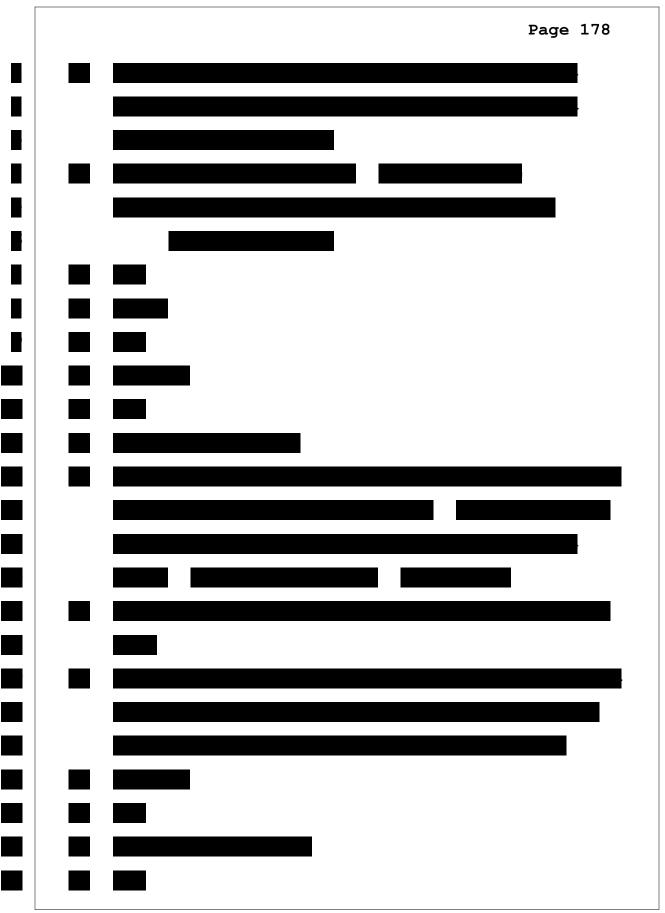
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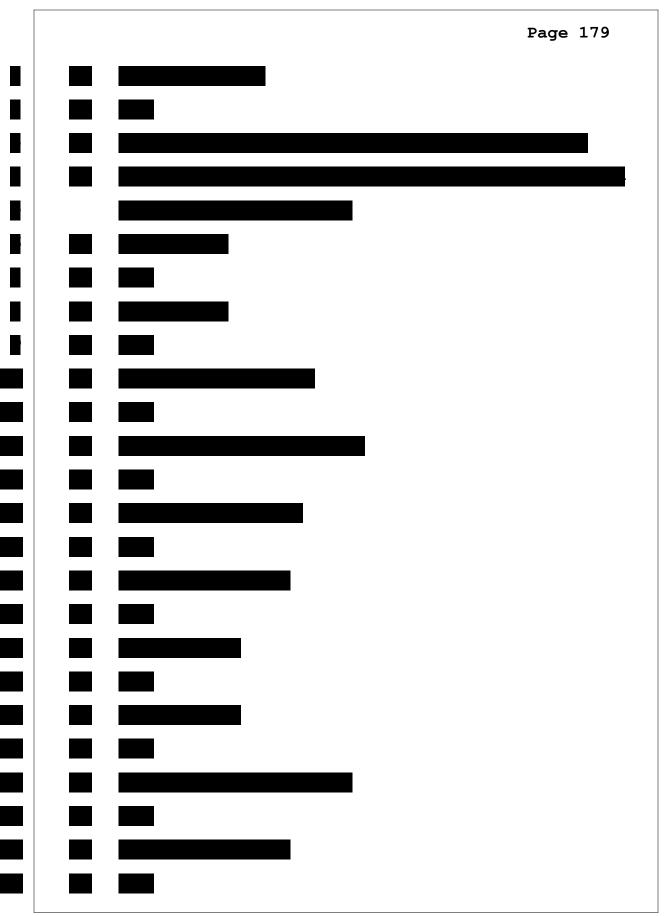
- A. Well, you say clean, so I suppose there's different things I might have cleaned like wash the car and things like that. But, you know --
- Q. And after PFOA has been detected in your water, how did your water usage change?

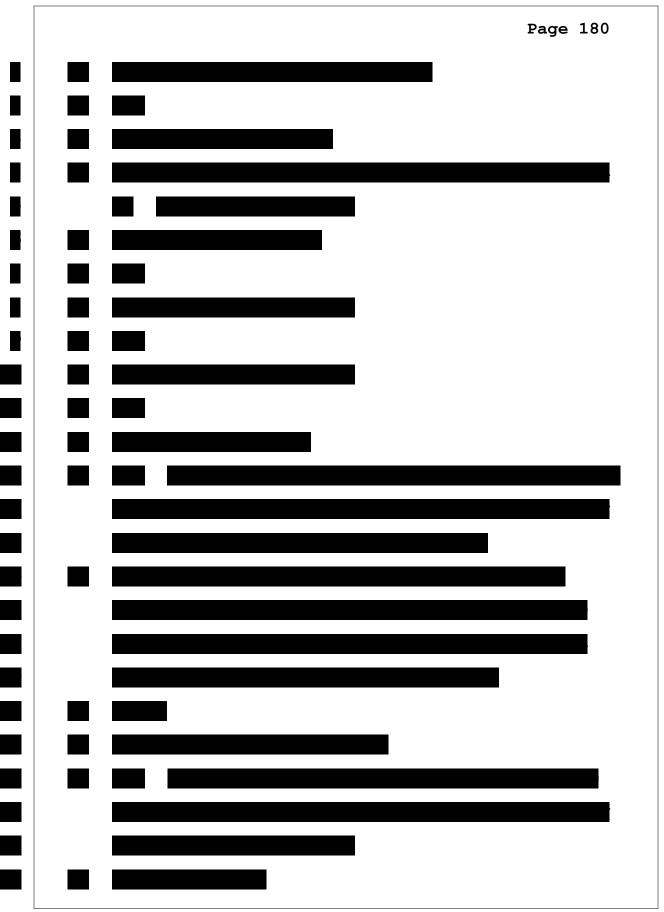
 Do you still bathe with it?
 - A. Yes. It's still -- still bathe with it.

 There was a period before the POETs were installed, the port-of-entry treatment system, where we were instructed to strictly limit the amount of time we spent showering, for example; but after the POET system, it's largely the way previously.
- 19 Q. Do you cook with it?
- 20 A. We use bottled water to cook.
- 21 Q. Do you use tap water to clean?
- A. To clean the -- like countertops and things like that; is that what you're referring to?
- Q. That or anything else that you might clean with.

	_ 4==
	Page 177
A.	Yeah. Yeah. You know, surfaces like that I
	do.
Q.	And I understand you drink bottled water now?
A.	That's correct.
Q.	Do you use still use tap water to water
	your plants?
A.	The yeah. The the gardens, yes, we do.
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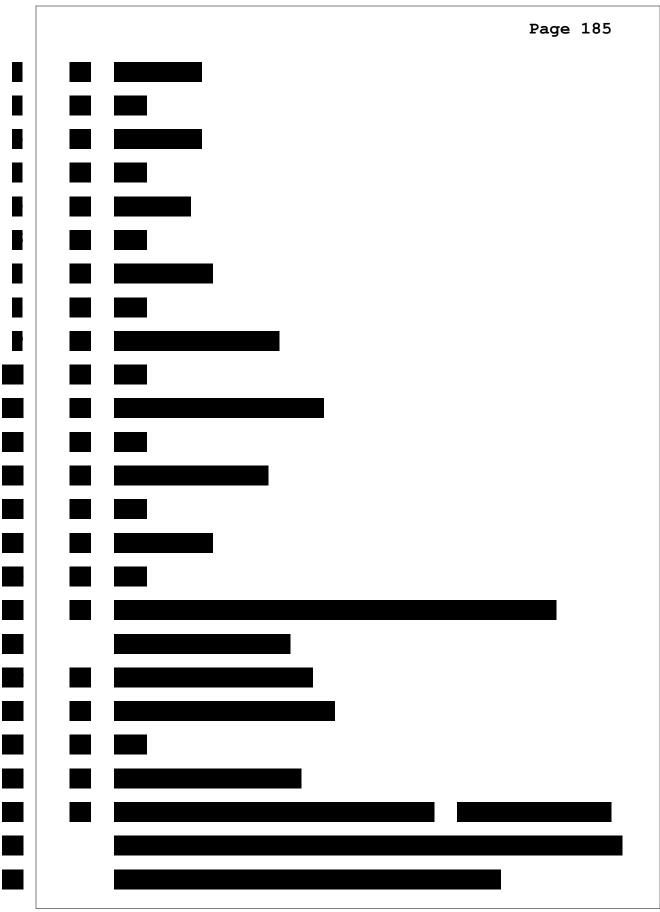


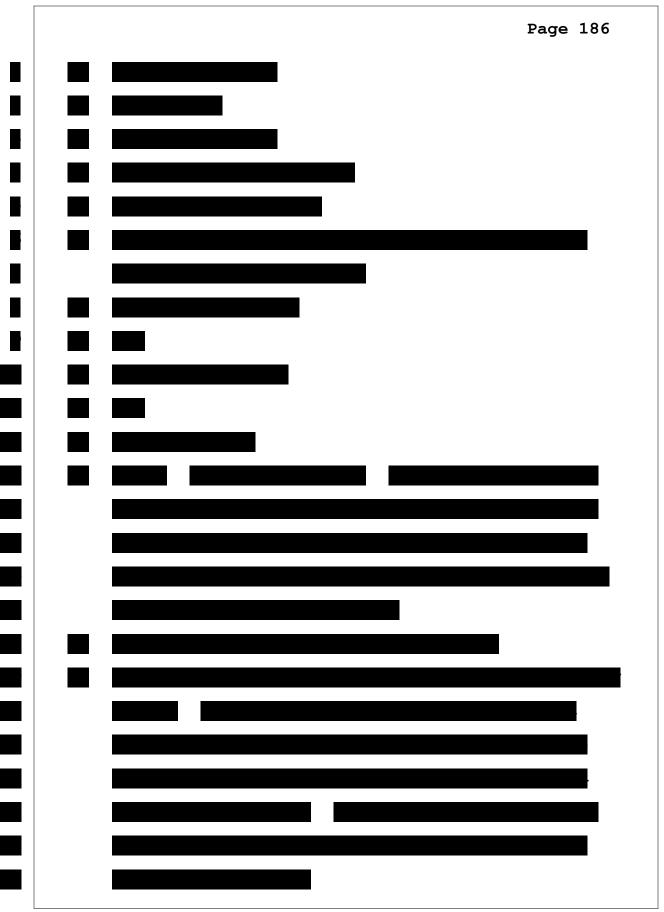


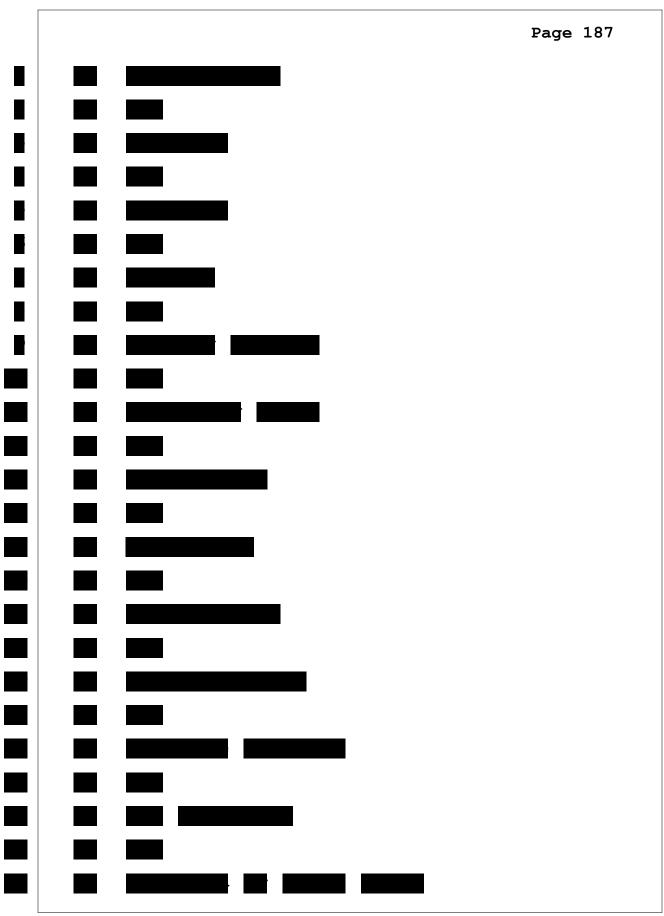






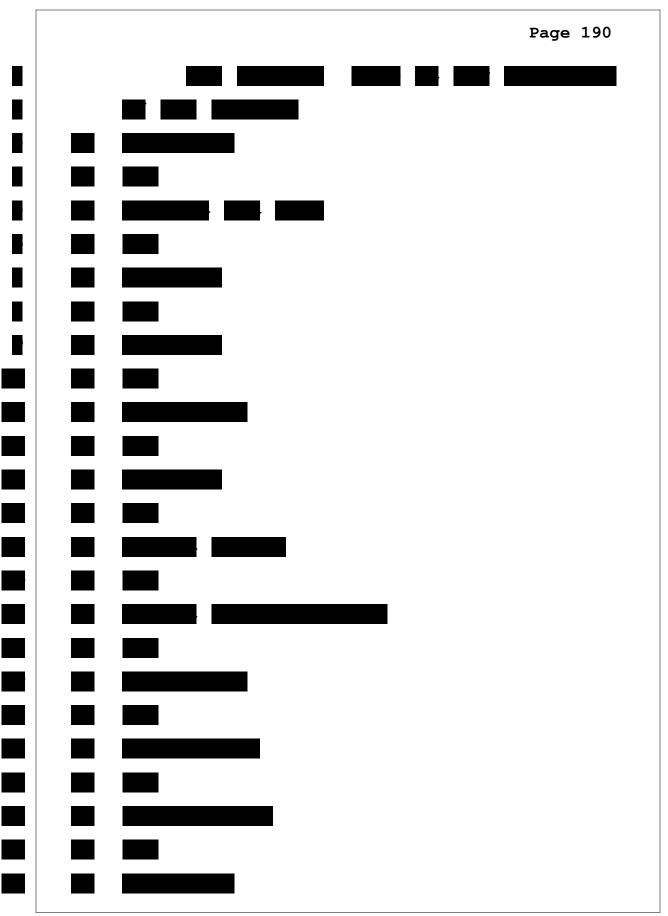






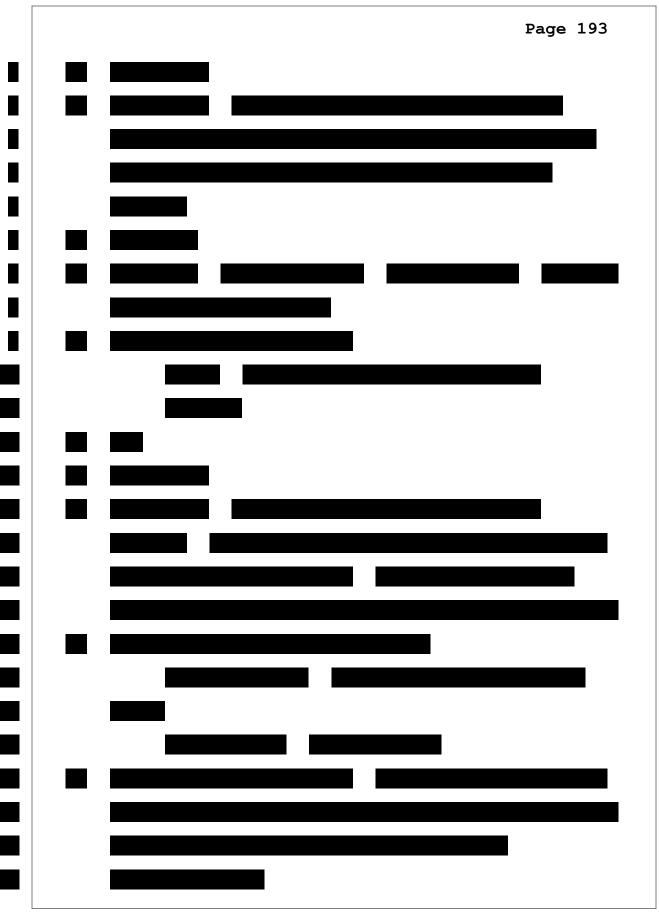


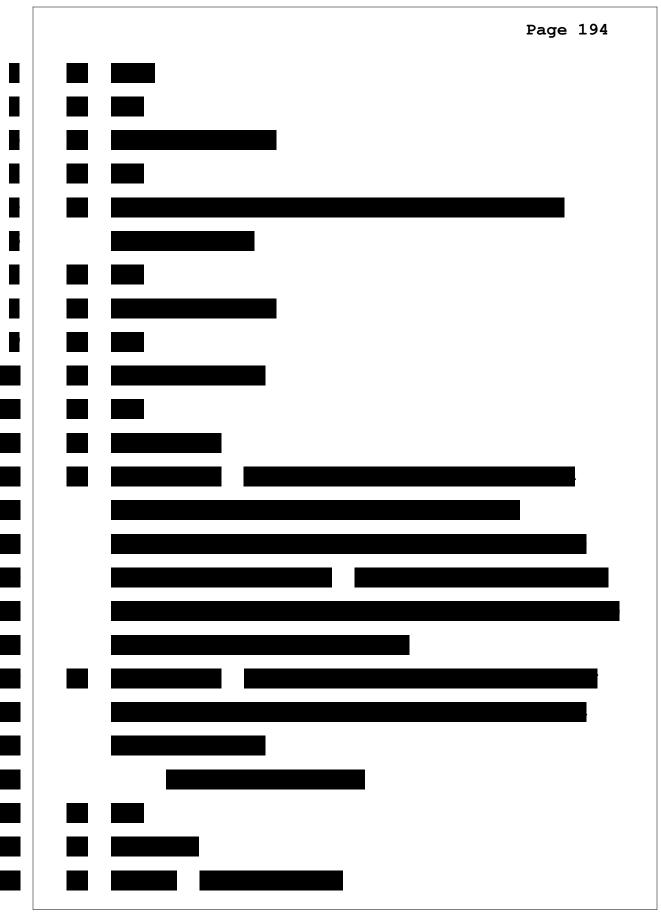


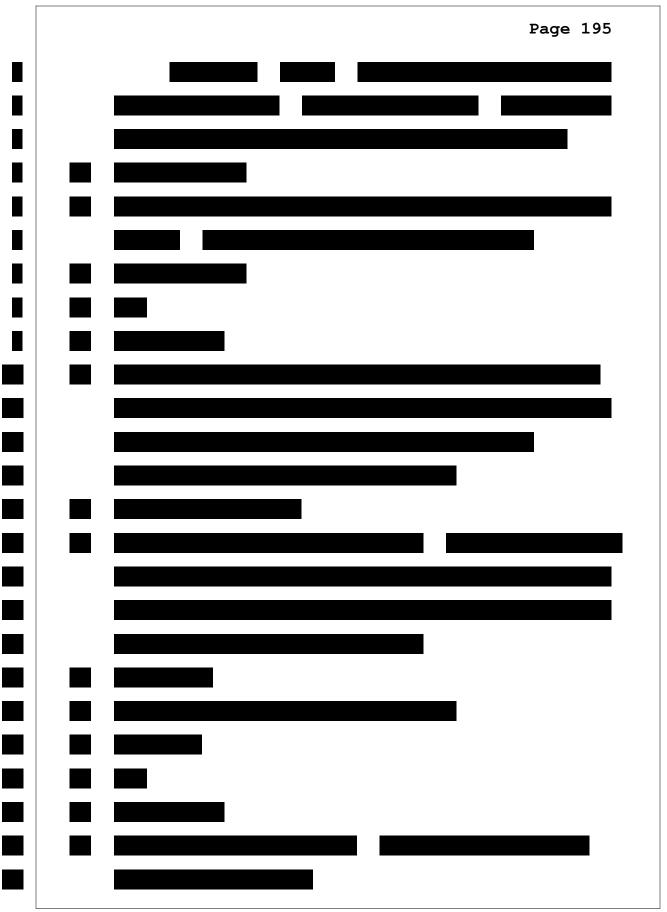


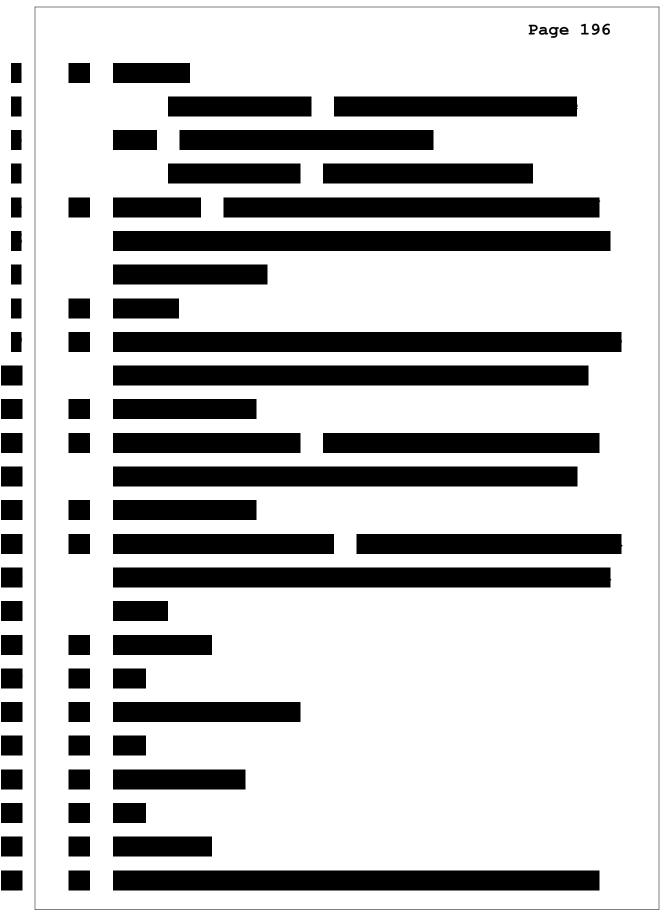


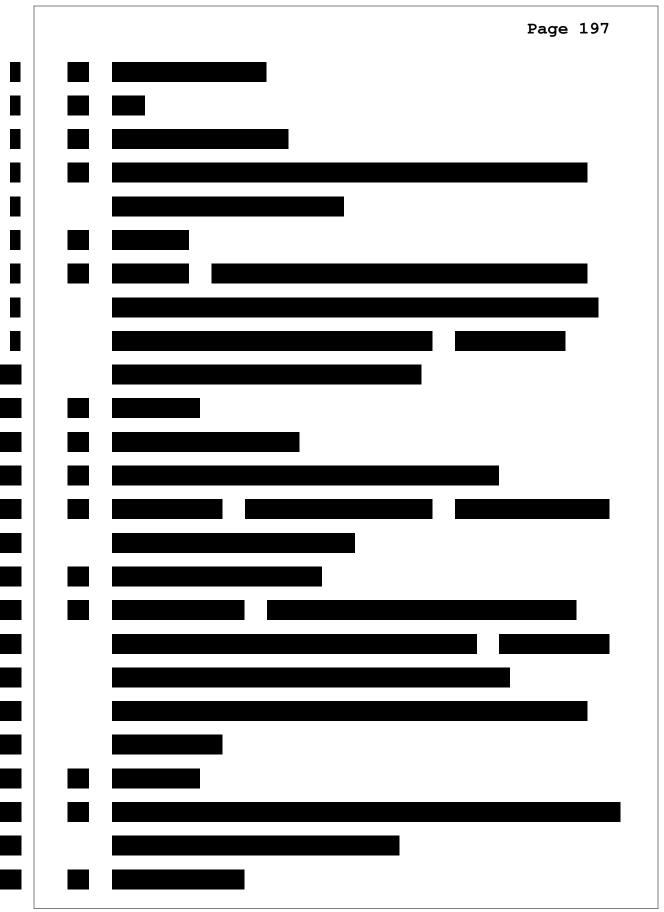


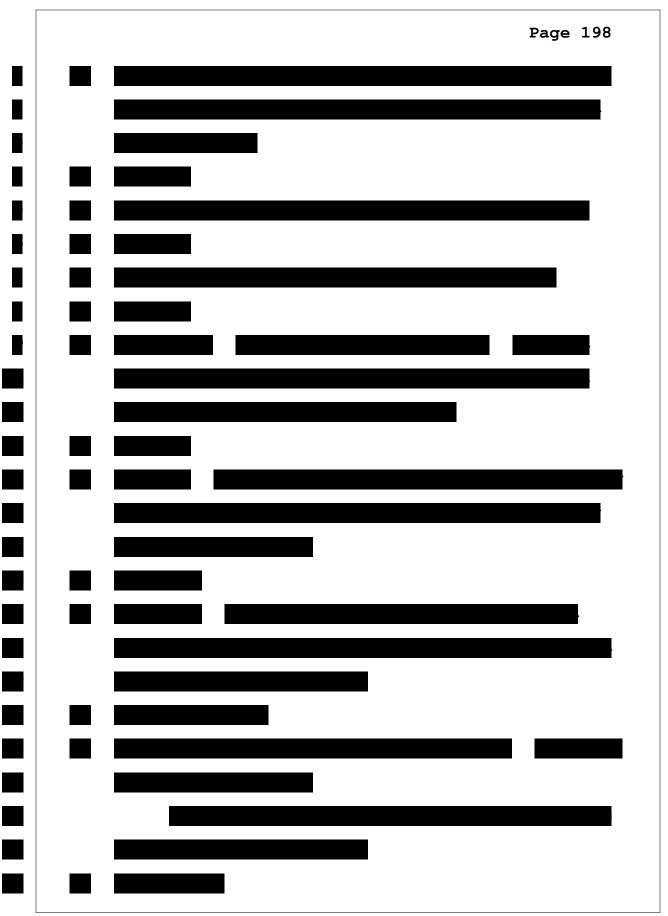






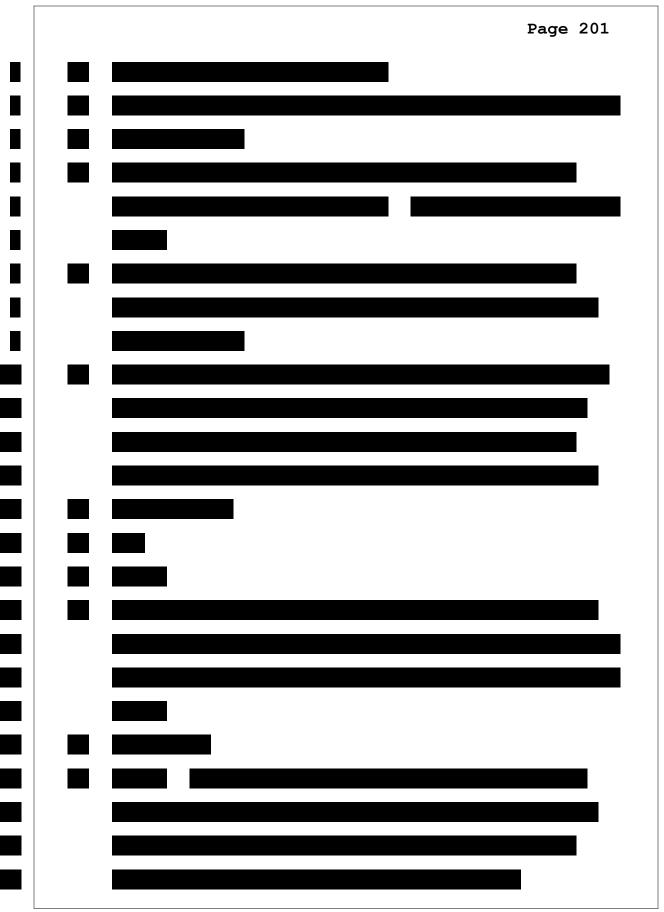




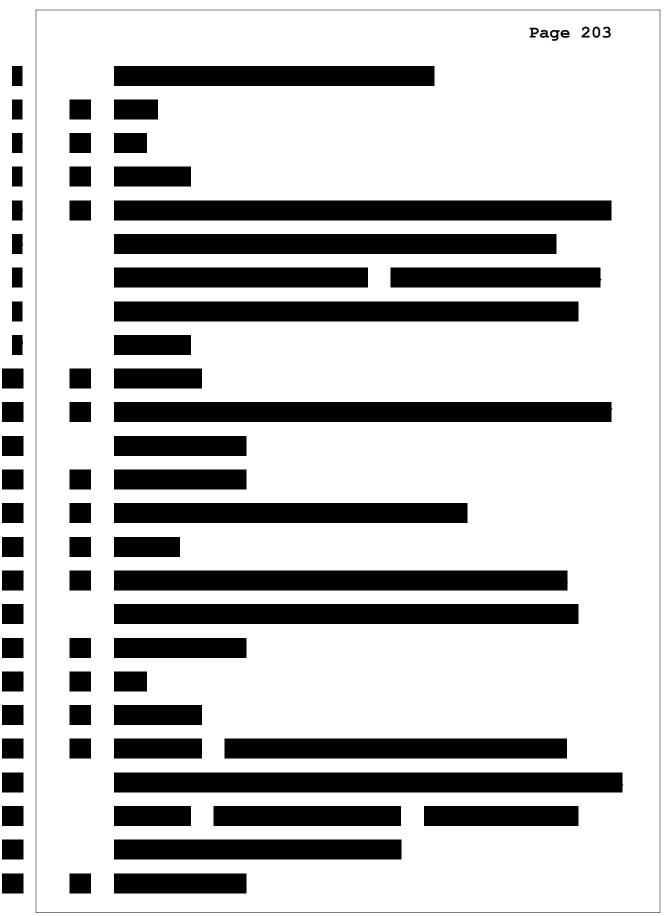




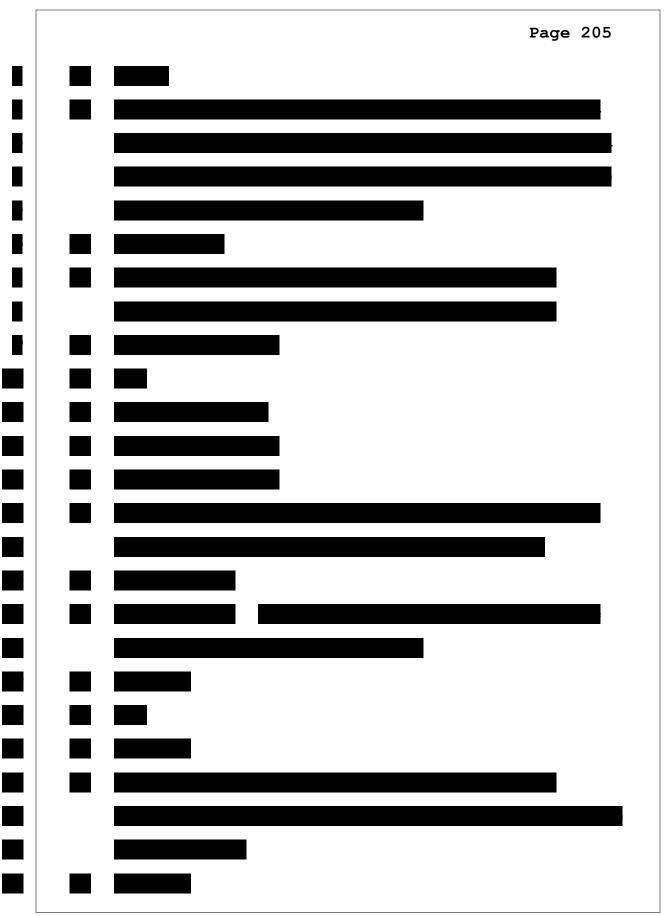






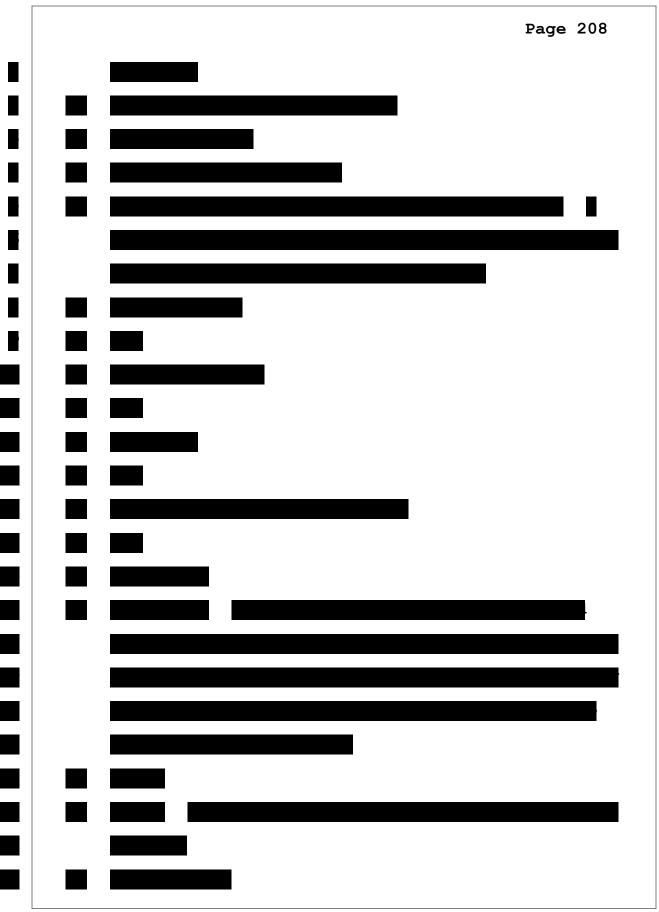


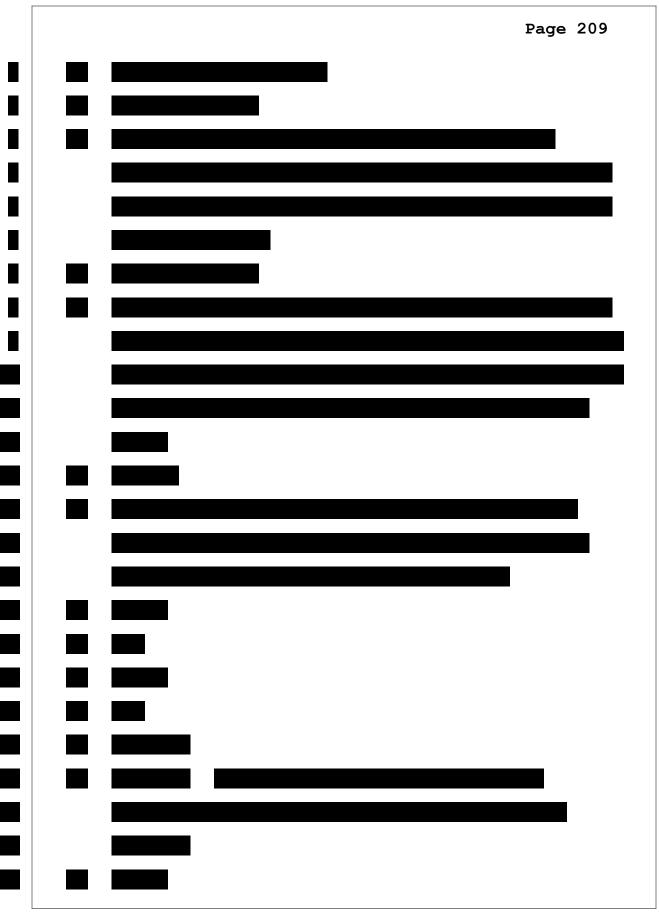








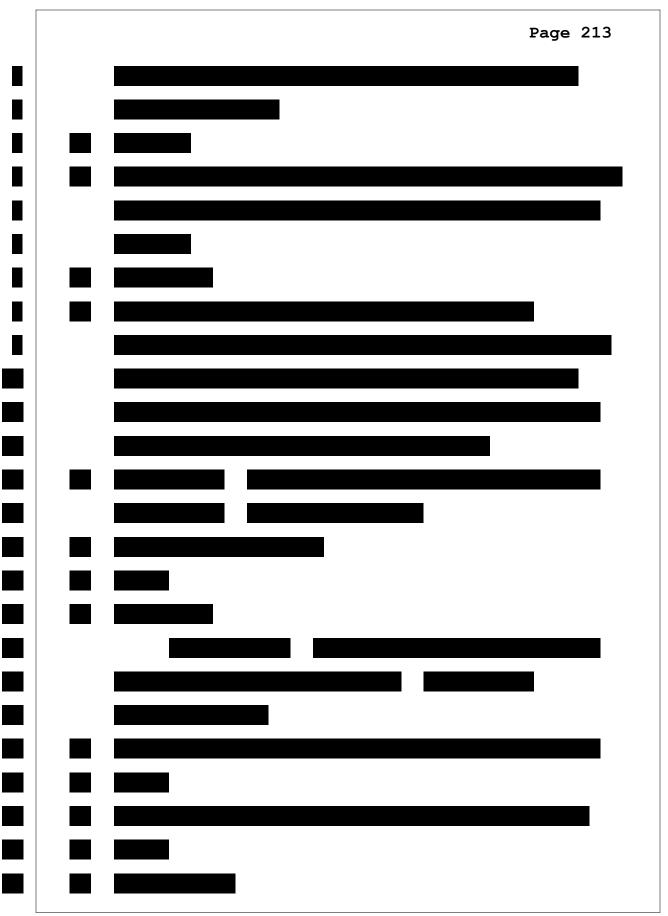


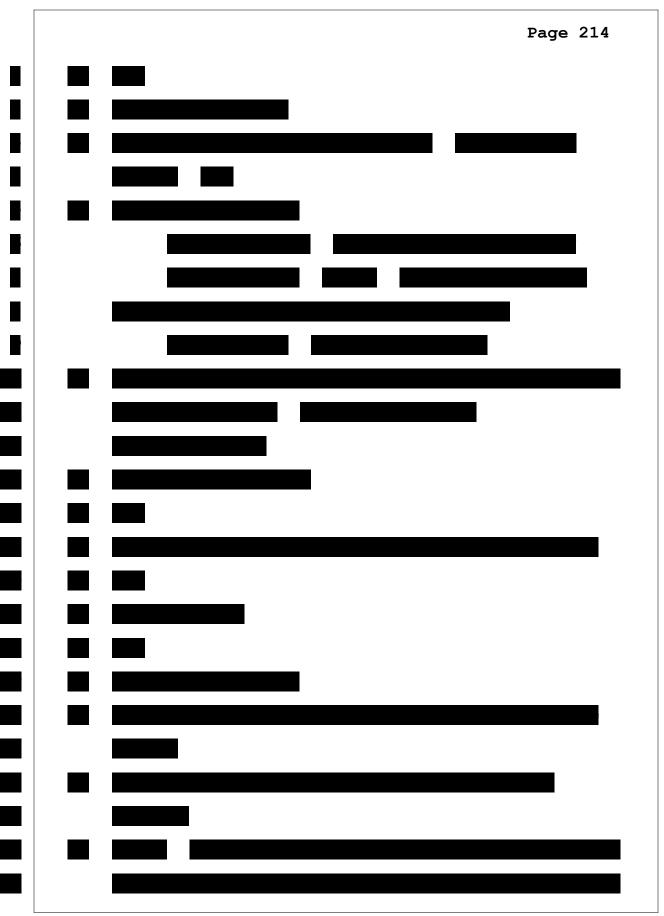


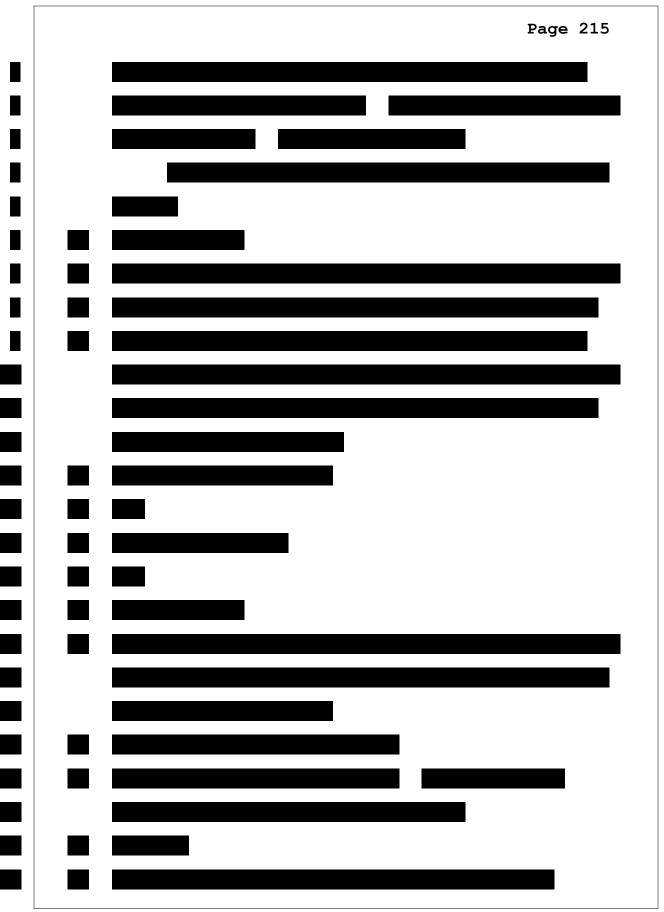


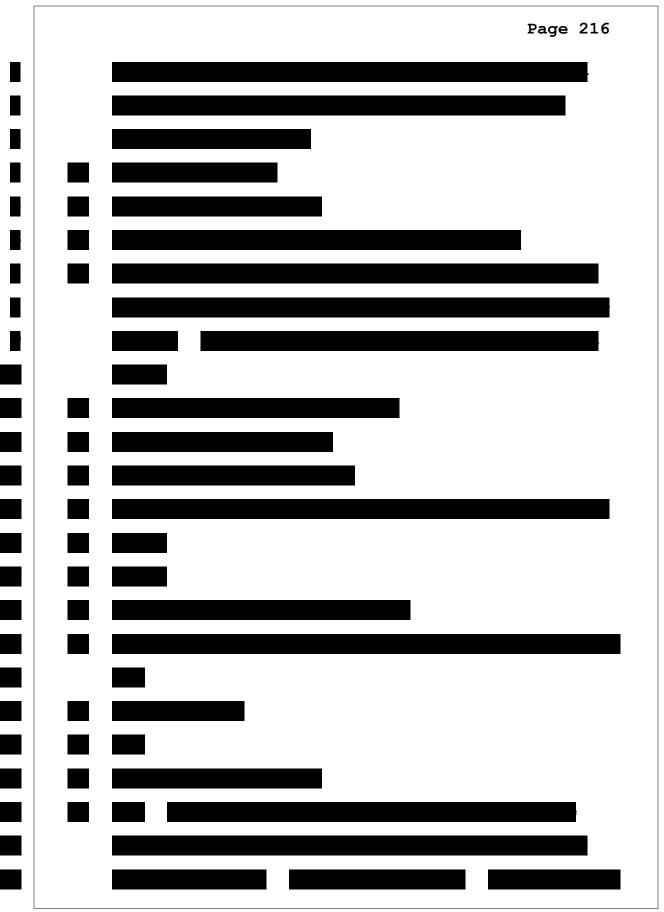




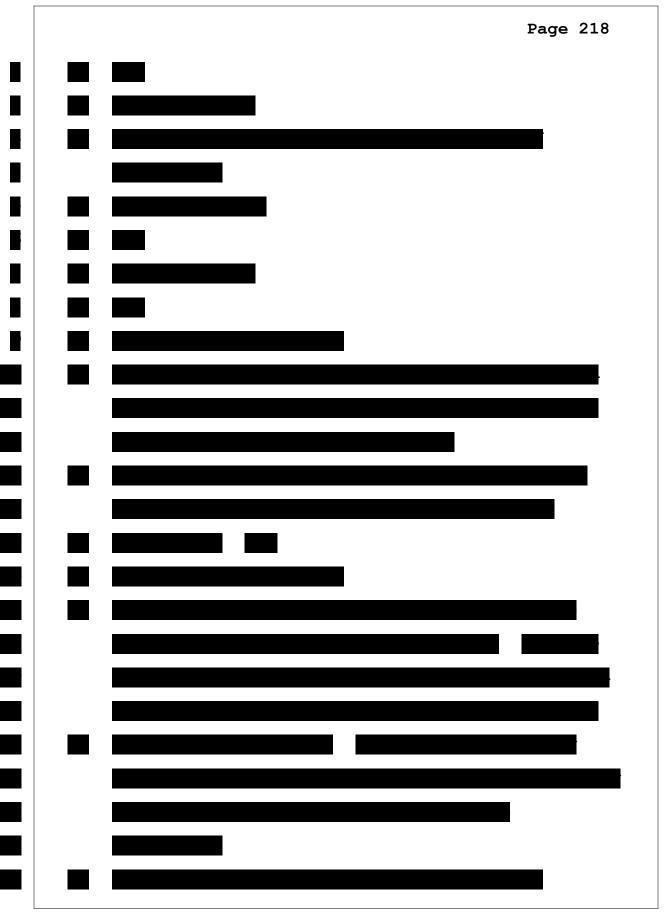




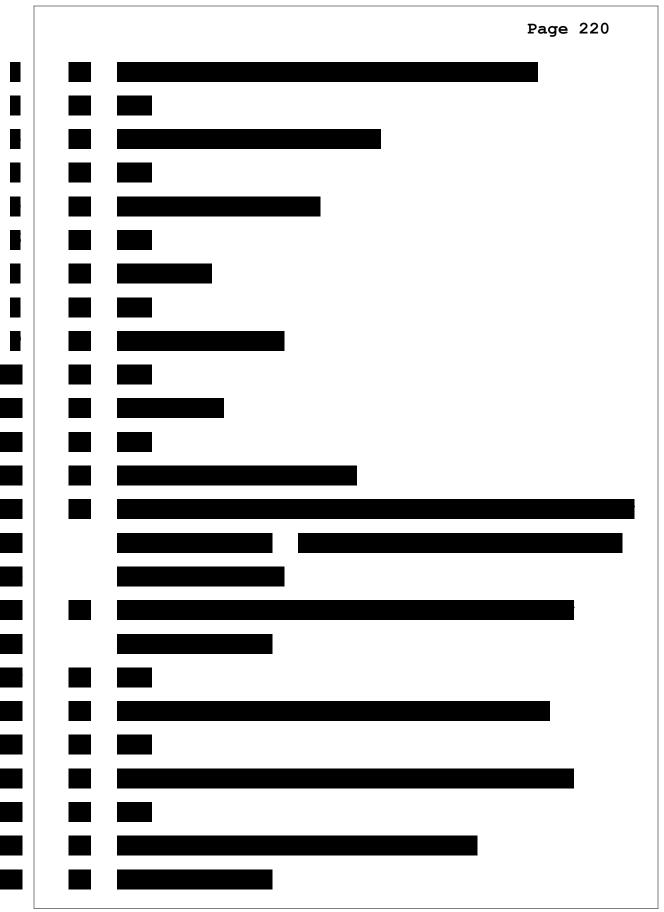


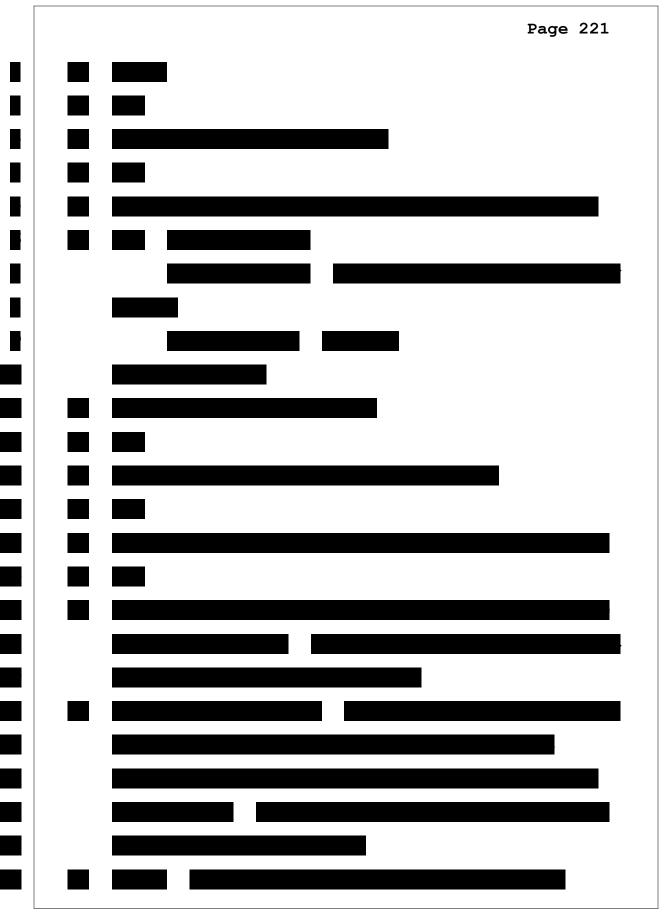












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- Q. All of it. A few more questions, and then I think my colleague and I will probably take a quick break to see if there's anything else we need to talk about.
- A. Okay. Sure.
- Q. Are you -- are you acquainted with the other named plaintiffs in this lawsuit?
- 10 A. I think I -- I think I've met them all, but I
 11 don't know them all well.
- Q. Which of them were you acquainted with prior to the filing of this lawsuit?
 - A. Primarily -- well, my -- my wife, Leslie

 Addison, and Sandy Sumner, who lives nearby
 us, and I think that's about it actually.
 - Q. And do you know Sandy primarily as a neighbor or through some other connection?
- 19 A. Yeah, as a neighbor.
- Q. Have you discussed this litigation with the other named plaintiffs?
- A. Not -- not in much detail. Just, you know,
 when we've been together at a meeting just
 kind of casual conversation.
 - Q. And you've had e-mail communications, as well,

Page 223 1 right? 2 Α. Back and forth between the named plaintiffs? 3 Not that I recall. I think that some e-mails have been produced 4 Q. 5 in this case that involve e-mail 6 communications between --7 Α. Oh, I'm sorry. So -- not -- so there was some 8 e-mail communications early on, especially 9 amongst our neighborhood group, and Sandy was 10 in that e-mail chain. 11 There were also some e-mails with some 12 other -- other folks in the community, but I 13 can't remember if any of them are named 14 plaintiffs, to tell you the truth. There were 15 some people over on -- on like Barred Road 16 that we e-mailed with and I think on Apple 17 Hill. 18 And so were you having conversations about Q. 19 PFOA and APFO, that sort of thing? 20 Like through these e-mails or --Α. 21 Ο. Yes. 22 Α. Yeah. To the extent that we were 23 communicating about the case, we talked about 24 issues related to the case. So it was

primarily, like, you know, getting -- trying

Page 224 1 to schedule a meeting, that kind of thing. 2 Q. Do people in the Bennington area know that 3 you're a named plaintiff in this case? MS. JOSELSON: Objection. 4 5 I was a -- some -- some people do. Most Α. 6 people probably don't. 7 BY MR. WILSON: 8 Do people ask you about it out of the blue? 0. 9 Α. Out of the blue? 10 Have you arranged any public meetings to Q. 11 discuss this case? 12 Α. I haven't arranged any public meetings, no. 13 Q. Have you arranged small group meetings? 14 I helped arrange a couple of meetings with our Α. 15 neighborhood group and another neighborhood 16 group. And I think -- I think I -- I also --17 I also helped arrange a meeting where we 18 talked specifically about the municipal water 19 connection issue that was maybe, you know, a 20 broader audience. 21 Q. Anything else you've discussed at these 22 meetings, other than what you've told me 23 about? 24 Α. Like, what we discussed at the meetings? I 25 mean, we -- you know, we talked about -- back

Page 225 1 when we were having these meetings, we talked 2 about, well, you know, what -- what should we 3 do, and, you know, how should we carry forward. It was -- a lot of it was, you know, 4 5 before there was this case. It was just the 6 knowledge of the PFOA. 7 At that time had you already reached out to Q. 8 Mr. Silver about filing this lawsuit? 9 Α. When we first had those neighborhood meetings? 10 I can't really -- I can't really recall. 11 think I -- I made initial contact with Mr. 12 Silver within a few days of finding out that 13 we had PFOA just to kind of have a general 14 conversation about legal options, but we 15 didn't do any follow-up conversations for 16 quite a while. 17 And was it your conversation with Mr. Silver 18 that led to all of these plaintiffs agreeing 19 to file this lawsuit? 20 MS. JOSELSON: Objection. 21 Α. No. 22 BY MR. WILSON: Do you know if -- did other people have 23 Q. 24 independent contact with Mr. Silver?

Objection.

MS. JOSELSON:

Page 226 1 Α. I don't know. 2 BY MR. WILSON: 3 Do you know Bishop Robin Green? 4 Q. 5 Α. No. 6 0. Do you know Sharon Jones? 7 Α. Sharon -- Sharon Jones is one of -- one of our 8 neighbors, I think. Do you know -- were you aware that she has 9 Q. 10 withdrawn as a class representative in this 11 case? 12 No. Α. 13 Q. Have you communicated with any member of any 14 government agency regarding PFOA, ChemFab or 15 Saint-Gobain? 16 PFOA, ChemFab or Saint-Gobain. Yes. Α. 17 Q. Which agency? Α. 18 I think primarily, if not exclusively, with 19 folks in the Department of Environmental 20 Conservation. Although may have had some 21 passing communication with someone, the health 22 department regarding, you know, schedule of 23 blood testing and things like that. 24 Q. Do you know the names of those people? 25 Do I know the names? I -- I recall --Α.

- probably I can't remember the people in the Department of Environmental Conservation specifically. A couple of people, yeah.
- Q. And did you communicate with anyone at the local Bennington water utility?
- A. I've -- I've communicated with someone at the North Bennington water department. I think they actually -- they may have contacted me about, you know -- I mean, my wife and other people in the neighborhood about whether we were interested in getting connected to their system.
- Q. And can you describe -- taking a step back -those conversations that you've had with the
 Department of Environmental Conservation?

 MS. JOSELSON: Objection.
- A. Yeah. So early -- early on when this was discovered, I know we had some general conversations with kind of their point person on this, whose name was Richard Spiese, S-p-i-e-s-e, and there was another gentleman whose name I don't recall. It's at the tip of my tongue.

But anyway, they were both DEC representatives, and the commissioner of the

Department of Environmental Conservation, the previous one and -- whose name I don't -- BY MR. WILSON:

- Q. Is that Miss Dugan?
- A. No, it wasn't Dugan. Do you know the previous commissioner?
- Q. Schuren?

A. Oh, yeah, Alyssa Schuren, yeah. I just kind of contacted them and kind of inquiring what the -- kind of, like, what the -- the status of things were or what -- what they were going to do for, you know, testing and -- and kind of the general process for how things would lay out going forward.

And I would say I -- I spoke with -- I spoke, you know, at some of the -- a couple of the public meetings, too, and I asked questions of them, and most -- more recently I -- I asked -- I directed a question to, I think it was to Richard Spiese -- Spiese at the department about what the status was of testing at the ChemFab building itself.

Q. So what -- when you reached out to these officials at the Department of Environmental Conservation, what did they tell you?

MS. JOSELSON: Objection.

A. I -- I mean, I can't remember details. I would say that in general they, you know, described what, you know, their response was going to be as far as, you know, initially bringing in tanker trucks of water and where they'd be deployed and how they were hoping to, you know, follow up and pursue discussions with Saint-Gobain about remediating the contamination.

BY MR. WILSON:

Q. And you mentioned you had a recent communication with them about the status of testing at the former ChemFab facility.

Have communications with the Department of Environmental Conservation continued after the filing of this lawsuit?

MS. JOSELSON: Objection.

- A. Yeah, I would -- I would say in -- not beyond what I've just already described to you.

 BY MR. WILSON:
- Q. Does anyone in -- either in the putative class or do the other class members look to you to -- to speak to people on behalf of the class?

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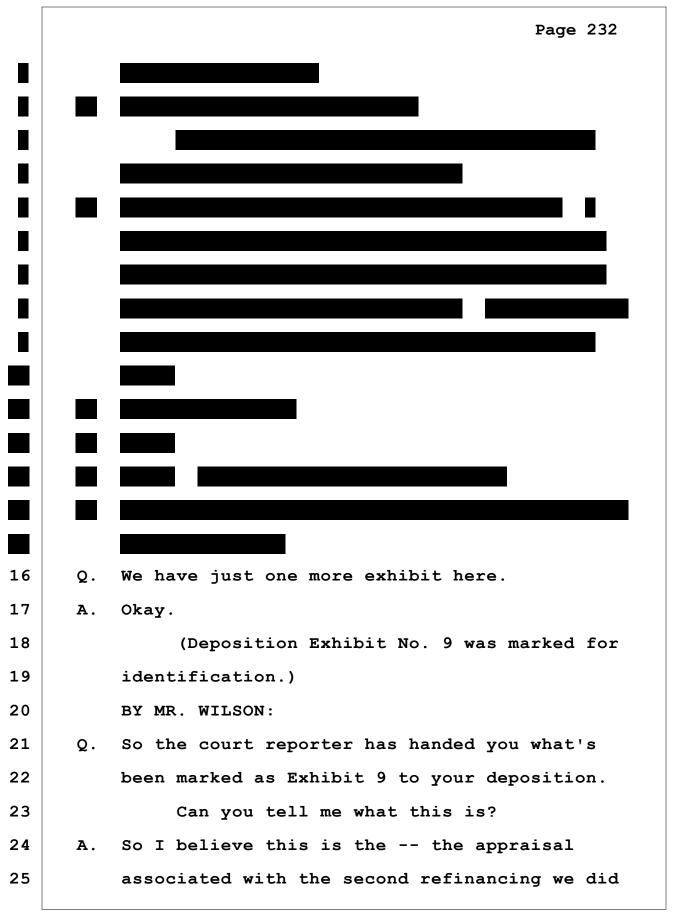
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Page 230 1 MS. JOSELSON: Objection. 2 I -- I would say that very early on in the --3 I was -- I was asked, because I work with state agency folks, that -- if I would try to 4 5 make sure that there was open communication, 6 especially regarding the municipal water 7 So they did ask me to do that. 8 BY MR. WILSON: 9 And do you take it upon yourself to keep Q. 10 people in the loop, send out updates, that 11 sort of thing? 12 Α. No. 13 Q. Do people ask you for updates? 14 No, not typically, no. Α. 15 Q. Have you ever communicated with any 16 Saint-Gobain or ChemFab employee about PFOA or 17 the company operations? 18 Α. No. 19 MR. WILSON: We can take a break. Ιt 20 might be anywhere from five to 15 minutes just 21 to see if we have any more questions. 22 THE WITNESS: Sure. 23 THE VIDEOGRAPHER: Time now is 24 approximately 3:57 p.m. Going off the record. 25 (Brief recess taken.)

	Page 231
1	THE VIDEOGRAPHER: The time is now
2	approximately 4:08 p.m. Going back on the
3	record.
4	MR. WILSON: Mr. Sullivan, thank you for
5	your time today. I just have a few more
6	questions.
7	THE WITNESS: Okay.
8	BY MR. WILSON:



Page 233 1 on our -- our home. 2 Q. So the first appraisal that we talked about was from 2010, and that would have been the 3 first refinance appraisal? 4 5 Yes. Α. 6 And do you recall whether you believe that the Ο. 7 valuation that was given during this appraisal 8 was fair and accurate? 9 MS. JOSELSON: Objection. 10 I -- I do recall having an opinion about it. Α. 11 BY MR. WILSON: 12 What was your opinion? Q. 13 Α. I thought that it -- that the appraisal was 14 low. 15 Do you believe that you are more qualified to Q. 16 assess the value of your home than the 17 appraiser? 18 MS. JOSELSON: Objection. 19 Α. Yes. 20 BY MR. WILSON: 21 On what basis do you believe that? 22 Α. Because I -- I know my home a lot better than 23 the appraiser and what went into the home, and 24 I also know the community very well. 25 MR. WILSON: I have no further questions.

	Page 234
1	Thank you.
2	THE WITNESS: Thank you.
3	MS. JOSELSON: Thank you.
4	THE VIDEOGRAPHER: The time is now
5	approximately 4:12 p.m. This completes
6	today's testimony of James D. Sullivan.
7	Going off the record.
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	Page 235
1	ACKNOWLEDGMENT OF DEPONENT
2	
3	I have read the foregoing transcript of
4	my deposition and except for any corrections or
5	changes noted on the errata sheet, I hereby
6	subscribe to the transcript as an accurate record
7	of the statements made by me.
8	
9	
10	JAMES D. SULLIVAN
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12	SUBSCRIBED AND SWORN before and to me
13	this day of, 20
14	
15	
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17	NOTARY PUBLIC
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20	My Commission expires:
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Page 236 1 CERTIFICATE 2 I, Beth Gaige, a Registered 3 Professional Reporter, hereby certify that the 4 within-named deponent was sworn to testify the 5 truth, the whole truth, and nothing but the truth in the aforementioned cause of action. 7 I further certify that this deposition 8 was stenographically reported by me and later 9 reduced to print through computer-aided 10 transcription, and the foregoing is a full and 11 true record of the testimony given by the 12 deponent. 13 I further certify that I am a 14 disinterested person in the event or outcome 15 of the above-named cause of action. 16 IN WITNESS WHEREOF, I subscribe my hand 17 and affix my seal this 12th day of April 2018. 18 19 Beth Saige 20 21 Beth Gaige, RPR 22 Notary Public 23 My commission expires: August 22, 2019 24 25

				Page 237
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Federal Rules of Civil Procedure Rule 30

- (e) Review By the Witness; Changes.
- (1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:
- (A) to review the transcript or recording; and
- (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.
- (2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1,

2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES

OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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